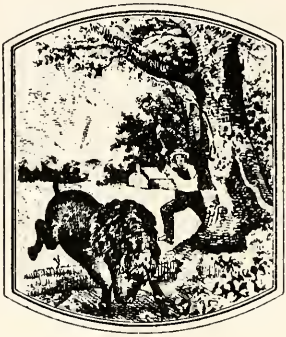

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GOVERNOR JAMES BROWN RAY

MESSAGES AND PAPERS

1825-1831

Indiana Historical Collections
Volume XXXIV

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James Brown Ray

MESSAGES and PAPERS

relating to
the Administration of

JAMES BROWN RAY

Governor of Indiana
1825-1831

Edited by
Dorothy Riker and Gayle Thornbrough

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Indianapolis 1954

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PREFACE

The present volume of messages and papers relating to the administration of Governor James Brown Ray continues the project begun in 1922 of publishing the messages and letters of Indiana's governors. The earlier volumes were edited by Logan Esarey, late professor of history at Indiana University. The first two, published in 1922, dealt with the administrations of William Henry Harrison and Thomas Posey in the territorial period, 1800-1816; the third, published in 1924, covered the administrations of Jonathan Jennings, Ratliff Boon, and William Hendricks, 1816-1825. The three volumes were published by the Indiana Historical Commission, predecessor of the Bureau. The usefulness of these volumes to students of Indiana history led to the decision to continue the series.

In addition to Ray's messages and correspondence, the present volume includes some papers of other state officials, newspaper material, and some contemporary correspondence. This is in accord with the practice followed in the earlier volumes. Ray's messages to the General Assembly are taken from the printed *Journals* of the Assembly in the Indiana State Library. Manuscript copies of his messages do not seem to have survived, nor have the manuscripts from which the *Journals* were printed.

The files of election returns, recommendations, appointments, and resignations, and of pardons and remission of fines, preserved in the State Library, contain considerable material relating to Ray's administration. A sufficient sampling from these files has been included in the present volume to show the different types of problems with which the Governor was faced and the decisions he made.

Newspapers of the period that were available in either the Indiana State Library or the Indianapolis Public Library were used extensively. Manuscript collections in the State Library, the Indiana Historical Society Library, the Indiana University Library, and the library of the Historical and Philosophical Society of Ohio, were also checked for possible Ray material but did not prove very fruitful. Photostat copies of Ray's correspondence with various Federal officials were obtained from the National Archives. Thanks are especially due to the staffs of the Archives and Indiana divisions of the Indiana State Library for their co-operation in making available the many resources of these departments. Editorial work on the volume was carried to completion while Howard H. Peckham was director of the Historical Bureau.

An earlier volume published by the Historical Bureau, *The Executive Proceedings of the State of Indiana, 1816-1836 (Indiana Historical Collections,* Vol. 29) will be useful to anyone studying Ray's administration.

HUBERT H. HAWKINS
Director of the Historical Bureau

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ABBREVIATIONS

ADS	Autograph Document Signed
ALS	Autograph Letter Signed
DS	Document Signed
IHS	Indiana Historical Society Library
ISL	Indiana State Library
LS	Letter Signed
NA	National Archives

INTRODUCTION

INTRODUCTION

James Brown Ray served as chief executive of Indiana from 1825 to 1831. He was still a young man when he became acting governor following the resignation of William Hendricks; in fact, there was some doubt that he had attained the age of thirty years required by the constitution for the governor. He was born in Jefferson County, Kentucky, one of twelve children born to William Ray, a Revolutionary veteran, and Phebe Ann Brown Ray. He had little formal education. He read law in the office of John S. Gano in Cincinnati and served for a time as deputy clerk of Hamilton County. In 1818 he moved to Brookville, Indiana, and was admitted to the practice of law at the September term of the Franklin County Circuit Court.

The Brookville bar included at this time John Test, Amos Lane, James Rariden, Daniel J. Caswell, William W. Wick, George H. Dunn, John T. McKinney, Stephen C. Stevens, Bethuel F. Morris, Charles H. Test, and James Noble, men that already were, or were to become, famous throughout the state. Despite this competition the young man soon made a name for himself. In 1821 he was elected to the lower house of the Indiana General Assembly which then sat in the old Corydon capitol. Jonathan Jennings was serving his second term as governor and Ratliff Boon was lieutenant governor. The next year Ray was elected to the sixteen-member state Senate for three years. On January 30, 1824, when Boon resigned as lieutenant governor to go to Congress, Ray was elected president pro tem. of the Senate, and was re-elected the next year. When Governor Hendricks resigned upon his election to the U. S. Senate, Ray assumed the governorship. He was elected to the office in August, 1825, and again in 1828.

Such a rapid rise to the highest political office in a state is remarkable even on the frontier where young men were often elevated to positions of responsibility. The surviving historical sources of the period do not give us a very satisfactory explanation for it. From the material available Ray emerges as a vigorous young man, confident almost to a point of cockiness, ambitious, well meaning, endowed with a sense of the dramatic, motivated by both patriotism and personal political aspirations. He was a tall man, carried himself well. He had a powerful voice and was able to catch and hold the attention of an audience. But early in his career there were those who judged him "inferior in weight of character and qualifications to many gentlemen" of the Senate, and who described him as being without "that characteristic modesty which is ever the concomitant of real merit." Time was to prove that these estimates had some truth, for Ray's rapid political rise was offset only by an equally rapid political decline. His career as a public figure was indeed short-lived. After he left the governor's seat, still in his middle thirties, he was unable to win another elective office.

Before we can judge his administration as governor, and try to understand his failure to stay in public life, it would be well first to examine the political scene, both national and state, during the years that he served as chief executive.

Indiana and National Politics

Indiana which had been admitted to the Union in 1816 was still a young state in 1825. The chief concern of most of its inhabitants was in acquiring land, clearing it, and starting new homes. There was almost no industry and only occasional small-scale businesses. The state's prospects were promising; land sales were booming and her rapidly increasing population had reached approximately 240,000 in 1825. In the older eastern states the period of the early twenties was marked by depression and gradual recovery. Their economy had been shaken by the depression of 1819, and while the frontier did not escape the effects of this, its simpler economy seemed to suffer less and recover faster, despite bad money and bank failures.

The period of the 1820's in the older states has been described as one of political transition from Jeffersonian democracy to Jacksonian democracy. It was a period that saw the end of the Virginia agrarian dynasty and the emergence of the small farmer and wage earner as political forces. The westward movement and the rise of the new states, the conflict between foreign commerce and domestic manufacture in the East, the banking system, sectionalism between North and South as the South expanded its agriculture and increased its opposition to the protective tariff, and the question of Federal aid for internal improvements, were issues that arrayed group against group, section against section, and spelled the end of the so-called "Era of Good Feeling."

This period of transition had its effect in Indiana. Many of these issues were taken up and debated, but only as they related to the frontier state's particular problems. In the older sections political parties re-emerged and re-formed. In Indiana the decade of the 20's was largely a period of personal politics. The people continued to look to individuals and to be influenced by personalities rather than to place their confidence in organizations with defined programs.

Also there appears to have been an insoluble conflict between western interests and eastern party alignments. As parties emerged there was on the one hand the Adams-Administration party, advocates in general of Clay's American system, favoring high tariffs, a national bank, high prices for public lands, and internal improvements by the Federal government. On the other hand, there were the Jacksonians (whose program was more clearly defined than the policies of their leader), who generally opposed a protective tariff and the U. S. Bank, favored westward expansion and cheap public lands, but were opposed to internal improvements at government expense. Jackson, himself, came out for a "judicious" tariff which his western advocates interpreted as they chose, and remained rather noncommital on the subject of internal improvements. In the West it was Jackson, not Jacksonian policies, that won popular acclaim. He was the hero of New Orleans, and he had succeeded in ridding the southern states of their Indian population. Indiana had an Indian problem of its own which it hoped he might help solve. The vote of Indiana was cast for Jackson in 1824. The election of Adams by the House of Representatives led to cries of a steal. Jackson men turned on Clay men, declared the election a fraud, and began building up an organization that would put their candidate in the White House four years later.

Indiana's attitude toward the relationship of the state to the Federal government at this time, while not clearly defined, seems to have been that of a young person who had gained his personal independence but who from time to time still looked to his parents for subsidies for his own undertakings. Indiana wanted grants of land from the public domain for public works, education, and aid for the poor and handicapped, but wanted to manage these grants herself.

Improved transportation was vital to the continued growth and prosperity of the West. The evidence of the large number of documents, speeches, petitions, memorials, bills, etc., connected with roads, canals, and river improvement, that were produced during this period bears this out. To meet the high cost of the major projects Indiana turned not to its own taxable resources or to money lenders, but to the Federal government. It was in the administration of Federal grants for the projects, particularly those for the Michigan Road and Wabash and Erie Canal, that political differences arose. But for the time these seemed to fall into sectional splits rather than to create party lines, and developed between those who were "plungers" and those who were inclined to move more slowly.

Indiana's position on the tariff failed to draw sharp party lines. The Indiana Jacksonian convention in 1828 advocated the "encouragement and protection of the National Industry, Agricultural, Manufacturing and Commercial, in the development of the resources of the country" and opposed "all mere sectional measures, and especially all measures calculated to oppress the poor for the benefit of the rich." When the General Assembly on December 13, 1827, resolved that U. S. Senators be instructed and their Representatives requested "to use every reasonable effort to restrain the importation of hemp, raw wool and woolens, and to afford all possible encouragement to all articles of American growth and manufacture, and to give united co-operation to those of our sister States who encourage a national system of domestic manufacture and internal improvements," five of the radical Jackson men protested. But their protest did not indicate opposition so much to the resolution as to the fact that they felt the Assembly was trying to influence public opinion in regard to the presidential election. In 1828 the Jackson men faced a state that demanded internal improvements with Federal aid and stood for the American system—principles of the Adams administration. They were forced to run their candidate on his popularity and personality. Jackson was a military hero to the West, who had the interest of the common man at heart. Beyond this, western men were willing and ready to endow him with whatever attributes or ideas they wanted their leader to represent, and he carried the State.

Banking and currency issues, which one associates so closely with the Jacksonian era, were as important to Indiana's economy as to that of other sections of the country. But after Ray's reference in his 1825 message to bank failures, tight money, and low prices following the 1819 depression, money and banking do not figure in his messages to the Assembly or in any of his political speeches and letters that have been found. After the demise of her first state bank in 1822, Indiana had depended upon the Cincinnati and Louisville branches of the second Bank of the United States. No branches were ever located in Indiana. Only with Jackson's veto of the renewal of the second Bank's charter in 1832, after Ray had left the governor's chair, did Indiana become vitally concerned in promoting its own banking facilities.

Disposal of public lands and removal of Indians were important issues. Sales of the public domain increased rapidly following the end of the depression of 1819. New land offices were opened as greater areas were ceded by the Indians and surveyed. By 1825 Indian title had been relinquished to three fourths of the state's area; thirty-seven counties had been organized since

1816, making a total of fifty-two in the state. There were five land offices in operation. In 1820 the credit system for land sales was abandoned and the minimum price lowered from $2.00 to $1.25 an acre. Legislation passed respecting the sale of public lands became increasingly in the interest of the settler rather than in the interest of public revenue. Attention was centered in the West on winning from the Federal government relief for purchasers of public land, and later, pre-emption rights. During Ray's administration, there was a movement, which had the approval of the Governor, to have all the public domain within a state's borders turned over to the state. This was opposed by Indiana's Senator James Noble, and provided one of the issues of the Ray-Noble feud. However, within the state there was for the most part general agreement on land policies.

Further evidence that party lines were not clearly drawn in Indiana may be found in the Congressional elections of the Ray period. In the 1824 presidential election, as noted above, the state went for Jackson, and the following year, Ray, a Clay-Adams man, was elected governor. In 1826 the three Congressmen elected, Thomas H. Blake, Jonathan Jennings, and Oliver H. Smith, were all Clay men. In 1828, when Ray and Jackson won, the Congressional delegation included two Clay men, Jennings and John Test, and only one Jackson man, Ratliff Boon. In the legislature of 1828-29, the Adams men still had enough seats in the House to elect the speaker, Isaac Howk. The legislature in 1830-31 was strongly anti-Jackson, and re-elected Hendricks, a Clay man, to the United States Senate. The next legislature, though still anti-Jackson, elected the independent John Tipton to the Senate to succeed James Noble who died in February, 1831.

It is, therefore, impossible to examine Indiana's political history in the period under consideration in terms of national political parties, or make Indiana's political figures fit into a national political pattern. Indiana stayed aloof from party lines, gave her vote to the man Jackson, sought assistance for her own problems from the Federal government, and on the local scene played its own form of personal politics.

Personal Politics and Ray's Administration

As we have said, in 1825 Indiana was still a young state, still a little cautious. She had gotten off to a bad financial start, but her revenue was now sufficient to meet the running expenses of government, with enough left over to begin paying off her debts. The lawmakers seemed determined to get out of the red and were very hesitant to undertake new projects dependent on appropriations from the state revenue. There is nothing in the state's financial history during these years to forecast that during the next few years Indiana was going to plunge herself into a financial morass.

In state and local matters the legislation sought by Ray and considered by the General Assembly concerned matters one would expect: internal improvements, revision of the penal code, education, care of the poor and handicapped, militia, county and township government, the judiciary, matters concerning Indians, improvement of agriculture, etc. None of these matters raised any great hue and cry. Only a minimum of bills passed by the Assembly failed to receive the Governor's approval. No significant body of legislation was passed. The people, seemingly indifferent, did not press for action. A selection of papers from the Ray administration preserved in the Archives Division of the State Library has been included in the present volume. Among these are petitions of various kinds and letters concerning elections and such other matters as required the Governor's attention. The consideration that Ray gave these, indicated by his endorsements on the documents, indicates a generous, sympathetic attitude toward the writers and a sense of the responsibility of his trust as a public officer. There is little indication of political maneuvering or favoritism here.

Judging from this the state and local political scene might appear to have been unruffled. But this would have been a false impression. If issues did not cause conflict, the same cannot be said about personalities. As we have seen, the Indiana Congressional delegation during the period did not show strong national party alignments, nor did the elections of the United States Senators by the Assembly. Within the Assembly itself party lines were not drawn, though members were often referred to as Clay men or Adams men or Jackson men, and certain Assemblies have been described as preponderantly Adams or Jackson. Splits over legislation and policy followed personal or sectional lines. Through the years of Ray's administration no pro-Ray or anti-Ray faction can be distinguished among the legislators. His support and opposition shifted. The only general observation that can be made is that his influence with the legislature declined with increasing momentum as his administration progressed, and his popularity over the state waned until in the end he stood virtually alone.

It was probably inevitable that there should have emerged a Ray opposition in the State almost before he assumed his office as acting governor. As we have seen Jackson supporters effected an organization throughout the state after 1824. Ray was known to have been for Clay and was regarded as pro-Adams. The Jackson enthusiasts eyed him askance. His age, his lack of formal education, his strange combination of bumptiousness and extreme formality, and his theatrical speeches antagonized as well as attracted. Newspapers took their stand in regard to him—in Indianapolis the *Gazette* lined up on his side, the *Journal* opposed him. Papers out over the state followed suit. He was accused of being too young to hold the office of governor legally. He was described as pompous, poorly educated, ill-equipped for the job. At the same time he was defended for his industry, integrity, and his record as a legislator. In his first campaign for election as governor he was opposed by Isaac Blackford, a Supreme Court judge, well educated, retiring. It was a listless campaign. Neither candidate identified himself with any party or faction. Ray's strong sentiments in behalf of internal improvements probably helped him, but none of his campaign speeches have survived for us to judge from their content. He won by a majority of 2,500.

Two big internal improvement projects dominated Ray's administration: the Michigan Road and the Wabash and Erie Canal, and they both had political repercussions. Despite Ray's keen interest in them, their progress, or lack of progress, brought sharp criticism on his head. The Michigan Road he regarded as his own particular brain child. He made the project possible by insisting on obtaining from the Indians at the 1826 treaty, at which he was a commissioner, the right of way for a road from the Ohio to Lake Michigan through the Indian country, plus additional land for its construction. But the progress of the project after the confirmation of the treaty was not smooth. Ray was accused from time to time of thwarting it, while in truth he was not getting the proper co-operation from the Federal officials with whom he had to deal, and he had to endure the attacks of jealous antagonists at home within the legislature and out. But any delay offered grist for the mill of Ray's opponents.

The route of the road became a bone of contention in the Assembly where sectional jealousies almost defeated the project. The United States Treasury Department at first refused to accept the choice of Indian lands made by the state commissioners for its construction. Finally, in 1830, the Assembly and the Governor met in a head-on clash over the appointment of a commissioner to let the contracts for construction. The Assembly won. Noah Noble, who was to succeed Ray as governor, received the appointment.

Ray's participation in the 1826 treaties led to further political difficulties. The other commissioners were John Tipton and Lewis Cass, both experienced in dealing with the red men. There were reports circulated by his enemies that Ray almost caused a complete breakdown in treaty proceedings because of his ineptness and ignorance in treaty making. The chief aim of the proceedings was to win cessions of land from the Miami and Potawatomi especially in the vicinity of the Wabash and to speed their migration across the Mississippi. Ray was eager, perhaps too eager, to win his road rights. Separate treaties were finally made with both tribes which, besides granting the land for the road, added considerably to the public land in the state. But Ray's enemies continued to make the point that negotiations succeeded more in spite of him than because of any assistance he offered. Furthermore, when the General Assembly met in December some members in the House attempted to declare the office of governor vacant, contending that Ray, in accepting the Federal commission, had violated the provision of the state constitution that prohibited the governor from holding any office of honor or profit under the Federal government. Governor Jennings had had a similar experience when he served as treaty commissioner in 1818. After debating the issue the House receded from its position and agreed to receive the governor's annual message. The incident gave Ray's enemies further opportunity to try to embarrass him.

While the other big internal improvement project, the Wabash and Erie Canal, did not produce quite as sharp political battles, Ray had his difficulties with it. In the first place he queried whether a railroad might not be a better solution to the transportation problem than a canal. At this time when the enthusiasm for canals was running so high, he was accused of holding up the project. Sectionalism and special interests were evident in the debates over financing and construction. Actually it was Ohio's delay in agreeing to build her portion of the canal and indecision on the part of Indiana's legislators that held up construction.

The peak of the personal political feuding in Ray's first administration was reached in the attack on the Governor by State Treasurer Samuel Merrill in the summer and fall of 1827. Since the documents relating to this are printed in this volume with annotations, it need not be gone into here save to point out that the attack is a sample of personal politics at its best, or worst. One wonders what prompted Merrill to attack Ray so bitterly. His charges were wild and insupportable. They ranged from the controversial role Ray played in the treaty negotiations to fraud in connection with a private house that he was building. Some of them may have had some basis of truth, but as made they were too extravagant to be proven. Ray refused to answer directly, relying on letters of witnesses and friends to refute what he could. Merrill was an Easterner, Dartmouth educated. He was not seeking a political career. Ray was a Westerner, self-educated for the most part, and politically ambitious. Merrill failed in his immediate object of defeating Ray in 1828, but he won in the long run, for undoubtedly his attack must bear some responsibility for Ray's failure to win other public offices. Merrill in turn rose to be one of the most successful businessmen of the state.

The atmosphere of the election campaign of 1828 bore little resemblance to the calm indifference that prevailed in 1825. The year 1828 was also a presidential election year and it was inevitable that there would be attempts to link the state and national campaigns. Early in 1828 Ray announced his intention to seek re-election. He intended to run as an independent, ignoring the national party lines that were being drawn and which some were attempting to carry down into state and local levels. After Jackson's defeat, as noted above, there was organized effort by Jacksonians to assure his victory this year. Ray found it increasingly difficult to make his independent way between Jackson and Adams factions. As we have seen, Indiana had given her vote in 1824 to Andrew Jackson, the hero of New Orleans, but this time there were those who wanted to know more certainly where he stood on the two paramount issues of the day—internal improvements and the tariff. On January 30, 1828, at the request of the Senate, Ray addressed a letter to Jackson on these points. In reply Jackson stated that his opinions were the same that he had held in 1823-24 when as a Senator he had voted for both internal improvements and the tariff and as expressed in his letter to Dr. L. E. Coleman of North Carolina which had been published. It was in this letter that Jackson expressed himself in favor of a "judicious" tariff.

On May 7, 1828, the central committee of the Jackson party resolved to ask Ray if he would consent to run as the Jackson candidate for governor, providing an Adams man should be brought out. Here Ray made an outright political blunder. He indirectly accepted the offer but with the condition that both the offer and his reply be kept secret. He admitted that he had voted for Clay in 1824, but that Jackson had been his next choice. Then, unfortunately, he added: "I am in your hands.

Dispose of *me* and my *name,* as you in your wisdom think proper. I wish to be elected Governor of the State on my *merits*—shall not become a partizan—shall have no objections to receiving the united support of the Jacksonians—shall not undo what they think fit to do, in state elections. . . . It is enough for you to take up a man not against you and support him, without drawing from *him* anything for publication, to give offense to the opposite side."

Leak of such a statement was inevitable. The following month the Governor had occasion to speak in Brookville and was then interviewed by Augustus Jocelyn, pro-Clay editor of the Brookville *Repository*. In the hands of a pressing interviewer Ray was made to acquiesce in the statement that the Jackson party was "an outrageous and violent faction," which it was the duty of every citizen to overthrow. Members of the Jackson committee were naturally aroused, and when they read this interview, which was reprinted widely, proceeded immediately to release to the papers Ray's statement to them which he had asked them not to publish.

To add to Ray's discomfiture Noah Noble took the opportunity offered by this turn of events to publish a long explanation of why he was withdrawing his support from Ray. He contended that the Governor had been a strong pro-Administration man the preceding year, but for purely political reasons had swung to the Jackson side.

The election was almost at hand. Ray's only resort was to declare his independence of all parties and throw himself on the mercy of the electorate. The people stood by him and he won over Israel T. Canby, the Jackson candidate, and Harbin H. Moore, the Administration candidate.

The "reign of terror" that set in on the political scene in Indiana following Jackson's inauguration, when the spoils system was applied down to the most insignificant Federal appointment, was unprecedented. Uneasiness and bitterness were in the air. As for Ray, the Merrill attack on him and his own efforts to straddle the party fences did not bode well for his second term. The first year passed in comparative calm, but in the last two years his feuds with members of the legislature and others overshadowed everything else. Overly sensitive to criticism, ever ready to feel himself affronted, he became increasingly belligerent. He resorted to lobbying personally and became a frequent visitor in the legislative halls. There were often biting exchanges between Ray and members of the Assembly that were, to say the least, undignified. His epistolary battle with the Noble brothers, James and Noah, was notable for its harshness and its verbiage.

One of the two chief legislative battles centered around Ray's unsuccessful attempt to prepare a revised code for Indiana. The matter became entirely personal and petty. Probably the job was too big for Ray to cope with and his efforts to make a revision based on the style of the Livingston code were not successful. The opposition in the Assembly tried to embarrass him by pointing up his tardiness in the matter and proceeded to appoint a committee to make a revision without further consulting the Governor. The exchanges between Ray and certain senators over the copy of Livingston's code which the Governor had not turned over to the State Library were shocking. Here was obviously an effort on the part of some of the lawmakers to discredit the Governor and fan his smoldering temper.

Ray's most bitter battle with the legislature was over appointment of the three judges to the Supreme Court. Their terms expired December 28, 1830. The incumbents were Isaac Blackford, Jesse L. Holman, and James Scott, and there was strong sentiment in favor of their reappointment. Ray was accused long before the legislature convened, of trying to use a judgeship as bait for support in his own efforts to be elected to the United States Senate. The senatorial election came early in the session. Hendricks was chosen and Ray did not figure in the voting. However, he still refrained from making the court appointments. On January 8 the Senate "reminded" Ray that the state was without a Supreme Court. Four days later he appointed Isaac Blackford, Stephen C. Stevens, and John T. McKinney, the latter two members of the Senate, who according to Ray's enemies, were under obligation to lend whatever weight they could to Ray's election to the Senate two years later. After two weeks and much bitter name calling the appointments were confirmed.

The low point that was reached between Ray and the upper house is well demonstrated by the following incident. At the end of the session a committee of the Senate turned to the Governor who was present to ask him if he had any further communication to make to them. This was customary procedure, though the Governor was expected to be in his office rather than in the legislative hall. Ray replied that he had further communications. The Senate then ignored his reply and unanimously voted to adjourn *sine die. Sic transit gloria mundi!!!!* said the Indianapolis *Democrat* reporting the story.

It is evident that during the last year or so of his administration Ray's conduct was not becoming that of a chief executive of a state. Had insatiable ambition overcome judgment? His weaknesses—his hotheadedness, his inability to endure any criticism, his impatience—were of the kind his enemies could turn to their own advantage in an era of personal politics. The aimless rolling-stone character of his life after he left the governorship shows indecision, restlessness, and instability. His story is a tragic one of a young man who rose too fast, and who lacked the steadying qualities which would allow him to bear the responsibilities and honors placed upon him at so early an age without losing his balance. His political career was over when he was still in his thirties. He died when he was only about fifty-four.

In his "farewell" speech to the 1831-32 Assembly Ray pictures himself a subject of persecution. "Driven to say what is known and felt, my fate as the victim of misrepresentation and malicious envy, may serve to admonish you, to fix a proper estimate upon the value of a public station." He spoke of "the unthankful office, where good names are lost without crime."

In 1831 Ray saw his antagonist Noah Noble elected to succeed him. In the presidential election the next year Jackson again carried the state, though his party was confronted by an organized Clay opposition that grew up to do battle with Jacksonian officeholders. Ray's struggle to maintain an independent position and keep above party politics ended in failure. Perhaps no one could have succeeded. His disposition and immaturity made it impossible for him. By 1831 party spirit was increasing in the state, and while candidates for state and local offices continued to run independently, they were often judged by their attitudes on national questions. The state had grown and prospered and matured during Ray's two terms, as if undaunted by personal political struggles and legislative problems. But problems were rising that needed legislative action. The next years in Indiana's history—years of issues and action—were to be in decided contrast to the period of the administration of James Brown Ray.

Following the 1830-31 session of the legislature, and with the end of his second term in sight, Ray entered the contest for representative in Congress from the Second District. There were five other candidates in the field—W. W. Wick, John Carr, Jonathan Jennings, Isaac Howk, and John H. Thompson. Wick and Ray each received 407 votes in Indianapolis, but Ray led over Wick by 146 votes in the rest of Marion County. When the votes of the entire district were counted, Carr was ahead with Wick running a close second and Ray a poor third.

Postlude

On retirement from public office, Ray attempted to resume his law practice in Indianapolis, opening an office opposite the courthouse in partnership with John Eccles. But their services were not much in demand, partly because of Ray's indifference. Early in 1833 the former governor announced his intention to run again for Congress on the Jackson ticket. Three other Jackson men were seeking the post and Ray withdrew at the end of July when he realized he could not win. The following January he was a candidate before the legislature for commissioner of the Wabash and Erie Canal, to replace John Scott. After leading on the first three ballots, he was defeated by J. B. Johnson.

In 1835 he was a candidate for clerk of Marion County against Robert B. Duncan. He seemed for a time bent on making a lively canvass but before election day he virtually abandoned the contest. He had no tickets printed and when the ballots were counted, it was found only a few had been cast for Ray. In 1835 he again ran for Congress. His opponent was William Herod. Although again defeated, Ray led in Marion County by 383 votes, which may be an indication that his vote-getting strength still lay in his personal contact with the voters.

In 1833 Ray entered newspaper publishing briefly when he and W. M. Tannehill started *The Hoosier* in Greencastle. The paper was short-lived. For fifteen months in 1835-36 he held a license to vend merchandise in Marion County, but no details of this venture are known. In November, 1836, he advertised that he and Edward Vanness had established an office for buying and selling land, adjusting land claims, and prosecuting and defending suits at law. By this time he had acquired some farm property in Madison and Hendricks counties and advertised for two hundred yearling cattle.

In 1837 Ray was back in the Whitewater Valley, at Centerville, and announced he would practice law with his brother, Martin M. Ray. In February, 1839, he advertised for sale his property on Washington Street in Indianapolis, consisting of two public buildings used for a tavern and coffee house, and two dwellings. He may have sold part of this at this time, but the tavern, known as the Ray House, was rented to his brother-in-law W. M. Doughty in 1843. That same year Ray began a new business venture in Centerville, becoming a partner with A. W. Ray (probably a nephew) in a dry goods and grocery store that was formerly owned by Holman, Ray & Company. Two years later they had a branch store in Cambridge City. Then for some unknown reason Ray sold his interest in the store and in 1846 was back in Indianapolis, advertising his intention "to open a Law, conveyancing, writing, abstract-making, land-agency, general and emigrants' intelligence and counsel office, in an upstairs room of his Washington Street property, opposite the courthouse." That he had become slightly touched on the subject of railroads is indicated by the following announcement inserted in the Indianapolis *Sentinel,* December 31, 1846. "I want a printing office to advocate my four National Railways, from Indianapolis, Ia., to the Atlantic and Pacific Oceans, and Lake Michigan and Gulf of Mexico, with a strip of land 100 miles broad, and 2500 long, with a railway at the center, in exchange for property."

In the summer of 1848 Ray made a visit to Wisconsin, returning home by way of the Ohio River. He became ill and was taken to the house of a relative in Cincinnati. He died there of cholera August 4, 1848, and was buried in Spring Grove Cemetery near Cincinnati. His will, probated in Marion County in 1849, showed property holdings of considerable value: lots 3 and 9 in Square 63 in Indianapolis, outblock 92, and 38 acres of farmland in Marion County; 263 acres in Hendricks County west of Brownsburg; 100 acres in Wayne County plus a residence and lot in Centerville; and 320 acres in Marshall County.

In December, 1818, Ray married Mary Riddle, daughter of Col. John Riddle of Hamilton County, Ohio. She was born in Mill Creek Township, September 10, 1797. Her father had migrated from New Jersey to Ohio in 1790. She died July 4, 1823, leaving two children, James G. and Mary Ann. In September, 1825, after his election as governor, Ray married Esther Booker of Centerville. Five children were born of this union: Indiana, Eliza Jane, Virginia, Sarah, and John W.

GAYLE THORNBROUGH

ACTING GOVERNOR, 1825

Proceedings of the Senate Relative to Election of President Pro Tem.[1]

[February 12, 1825]

When, upon the receipt of the foregoing communication, Mr. James B. Ray, President pro tempore of the Senate, left the chair; and Mr. Montgomery was called to the chair, pro tempore.[2]

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[1] Indiana *Senate Journal,* 1825, pp. 195-96.

[2] The communication was the resignation of William Hendricks as governor. Hendricks had been elected to the United States Senate by the General Assembly, January 17, 1825. The vacancy left by his resignation threw open the whole question of who should be acting governor of Indiana. The constitution provided that the chief executive should be elected on the first Monday in August and should hold office for three years "from and after the third day of the first session of the General Assembly, next ensuing his election, and until a successor . . . [should] be chosen and qualified. . . ." In case of resignation of the governor, the constitution provided that the lieutenant governor should "exercise all the powers and authority appertaining to the office of governor, until another be duly qualified." But there was no lieutenant governor; Ratliff Boon who had held that office had resigned the year before upon his election to Congress.

The lieutenant governor's chief duty was serving as president of the Senate. The constitution provided that whenever the lieutenant governor was unable to attend, the Senate should elect a president pro tempore to act in his stead, "and if during the vacancy of the office of Governor, the Lieutenant Governor shall . . . resign . . . the President of the Senate pro tem, shall . . . administer the Government, until he shall be superseded by a Governor or Lieutenant Governor." Then the constitution continued, "If the Lieutenant Governor shall be called upon to administer the Government, and shall, while in such administration, resign, die, or be absent from the State, during the recess of the General Assembly, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a president *pro tempore.*"

James Brown Ray had been elected president pro tem. of the Senate upon the resignation of the lieutenant governor, Ratliff Boon, January

Mr. Craig then moved, that inasmuch as the late President pro tempore of the Senate, has now by virtue of his office as President pro tempore of the Senate, and in consequence of the resignation of the late Governor, became Governor; that the Senate will now proceed to elect a President pro tempore of this Senate—when, after considerable debate on that question, the motion was withdrawn; and Mr. Pennington offered for consideration and adoption, the following resolution, viz:

Resolved, That it is the opinion of the Senate, that the President pro tempore of the Senate, is by virtue of the constitution, the acting Governor of the state of Indiana, until the constitutional period has expired for which he was elected a Senator.

Mr. Montgomery having left the chair, Mr. Stapp was called to the chair—when, after considerable debate, Mr. Montgomery again took the chair; and Mr. Ewing offered the following as an amendment to the resolution offered by Mr. Pennington, to wit: "and that the Senate will now proceed to the election

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30, 1824. According to the *Senate Journal,* Ray took the chair and "in short but pertinent and appreciative address, expressed his acknowledgement . . . for the honor." *Senate Journal,* 1823-24, pp. 237-38. (Brevity, as will be seen, was not to characterize Ray's later addresses.) This was next to the last day of the session.

When the 1825 session opened on January 10, it was ordered in the Senate that for the present Ray should take the chair. Samuel Milroy then moved the adoption of a resolution that Ray, having been elected president pro tem. at the last session upon the resignation of the lieutenant governor, was "constitutionally elected to that office for and during the period for which his predecessor was elected Lieut. Governor by the people of the state." This resolution was ordered to lie. Two days later Ray was elected president pro tem. *Ibid.,* 1825, pp. 4, 5, 18-19.

Now, upon Hendricks' resignation, there rose the question of whether or not Ray should assume the duties of the chief executive. His right to do so was to be challenged all during the next year. See particularly pages 63-65n below. The proceedings of the Senate as quoted here show that that body failed to clarify the situation. No record of debate on the resolutions offered survives. It may be that it was the feeling of the majority of the senators that the constitution was sufficiently specific on the subject, or that it was not within the sphere of the Senate to take action. Apparently Ray did not feel completely sure of his position (see speech printed immediately below), but two days later he took the oath of office as governor.

of a member, upon whom the authority and functions of President pro tempore and acting Governor will descend, from and after the expiration of our present pro tem. and acting Governor's time, if not called to officiate in that capacity at an earlier period by some of the constitutional contingencies." The said resolution being under consideration, and not decided upon, Mr. Thompson offered the following resolution, to wit:

On motion by Mr. Thompson,

Resolved, That the House of Representatives be informed, that the Senate having gone through the legislative business before them, are now ready to adjourn, *sine die;* which was adopted, and Mr. Farnham instructed to inform the House of Representatives thereof.

Ray: Address to the Senate[1]

[February 12, 1825]

Mr. Ray rose and said, that the resolution which had just passed nem. con. acknowledging the approbation of the Senate, as to the task which he was just finishing *perhaps forever,* left upon his mind a sense of gratitude, which he had not power or language at the moment to express. Receive, at least said he, the assurance of one who feels humble under the weight of obligations, which a grateful heart is ready to admit: that I feel on my part as if I could not speak too highly of the *respectful* and becoming courtesy with which I have had the honor to officiate as your presiding officer. *He* said, in a tone of profound sincerity, that he would be compelled to conceal the warmest feelings of a soul that sensibly feels the extent of responsibility, if he did not express his thanks, which flowed as the spontaneous effusions of devoted intentions, for the important trust confided to him—knowing the interesting consequences that may grow out of that confidence, to the patriotic community we represent. Should you Gentlemen, said Mr. R. ever have reason to regret, that you have placed me in a situation to receive those mementous powers, which circumstances and the constitution may invest me with, I trust in God that an error of the heart will not be the cause. Gentlemen, I cheerfully reciprocate all you have said in your kind resolutions.

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[1] Indianapolis *Indiana Journal,* February 22, 1825. The address was delivered at the close of the session, when Ray received the unanimous vote of thanks of the Senate for the "dignified and impartial manner in which he had discharged the arduous duties" of president pro tem.

Ray: Oath of Office as Acting Governor[1]

1825 Feb. 14 On this day the Honorable James B. Ray president pro tempore of the Senate of the State of Indiana filed in the office of the Secretary of State a certificate in the words following towit

The State of Indiana Ss Be it remembered that on the morning of the fourteenth day of february in the year of Our Lord one thousand eight hundred and twenty five personally appeared before me Bethuel F Morris president judge of the fifth judicial Circuit[2] in the State of Indiana [James B. Ray] who being duly sworn declared on oath that he would support the Constitution of the United States, and the Constitution of the State of Indiana, and that as acting governor of the State of Indiana he would well truly and faithfully do and perform all the acts and duties of or belonging and appertaining to the Executive Department of said State for and during the term he administered the government according to the best of his abilities

B. F. Morris.

And thereupon took upon himself the discharge of Executive duty.

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[1] *Executive Proceedings of the State of Indiana, 1816-1836,* edited by Dorothy Riker (*Indiana Historical Collections,* Vol. 29, Indianapolis, 1947), p. 275. This is also in the Indianapolis *Gazette,* February 15, 1825.

[2] Morris was elected president judge by the General Assembly on January 17, 1825, and commissioned January 20. *Executive Proceedings, 1816-1836,* p. 303.

INDIANA STATE LIBRARY

Campaign for Governor: Excerpts from Editorials in Indianapolis *Gazette*

'[March 15, 1825]

Who ought to be the next Governor of Indiana, is an enquiry now seriously asked—it is right it should be so, for this is the age of *light*—"the day spring from on high hath visited us" "The wilderness blossoms as the rose" and peace dwells upon our borders.

Thus happily situated, with Heaven for her guardian and plenty at her command, what has Indiana to complain of? Her public functionaries are honest, her resources abundant, and her population encreasing beyond the ken of observation. In order that she may remain in this situation, and avoid the errors of some of her sister states, it becomes the duty of her citizens to patronize religion, encourage internal improvements, and to place at the helm of state none but men possessing the essential requisites of moral and political integrity—men who know their duty and who will faithfully perform it, with due regard to public benefit.

That persons possessing these qualifications exist among us, there is not a "loop on which to hang a doubt," and among them we may rank our present acting Governor, James B. Ray. This distinguished gentleman, who has located himself at the seat of government for the purpose of attending *in person,* to all executive business, is one of those standing highest in the opinion of the people, and deservedly so, for, by his own industry and integrity, he has risen from obscurity to the discharge of the important duties confided to him by virtue of the constitution—the administration of the government. It is well known that he is now a candidate for the office of Governor, and we have ascertained from the best authorities that he will receive in the east, an almost undivided support. In the middle counties we have assurances of his popularity, and in the west he is not without friends—Indeed, we have no evidence to induce us to believe that he will meet with any opposition, as we have not been authorised to name a competitor. It is true, that Judge Blackford, Judge Holman, Judge Scott and Doctor Maxwell have been named, but not formally announced[1]—therefore, notwithstanding we consider them all truly honorable men in the strictest application of the word, and men of unquestionable talents, yet as Col. Ray is the only one who has avowed him self *openly* as a candidate, we know of nothing to prevent us from giving him support.[2]

[March 22, 1825]

Mr. Ray has served his constituents four years in the Senate and House of Representatives of this state, and has passed through the regular channel to the chair of state, and is now punctually attending to the duties of his office, with a facility that at once discovers his ability. He has dismissed the practice of that profession which he honored, and has become the assiduous student of his duty and general knowledge—he reads with avidity of youth and the pleasure of age. His habits give us assurances that those things which have been unknown to him, will soon be familiar. Elevation instead of inspiring vanity, inclines him to humility and vigilance. With him the commonwealth is safe.

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[1] Isaac Blackford, Jesse L. Holman, and James Scott were all judges of the Supreme Court. For a sketch of David H. Maxwell, see *Indiana Magazine of History,* 8(1912): 101-8. The April 19, 1825, issue of the Indianapolis *Gazette* announced Reuben W. Nelson's candidacy, but he did not run. As early as March the *Gazette* spoke out against a Supreme Court judge running for office: "When a Judge, the arbiter of private rights begins to fawn for popular favor, ambition soon drags justice from her seat, and her empire in the human heart is lost. These gentlemen, when they mount into the judgment seat should recollect that their services are expected there and there only—they should remember that frequent changes in that honorable department of government, lead to frequent innovations on the body politic. . . . In short we are satisfied with our judicial rulers where they are." Indianapolis *Gazette,* March 22, 1825. In the end only Blackford opposed Ray.

The Ray faction made quite a point of Blackford's running for the governorship while he was still judge. The opposition in turn taunted Ray with the fact that he had run for Congress in 1824 without resigning his seat in the state Senate. The *Gazette* defended him: " . . . on a close examination it will be found that Mr. Ray was offering for an office that would not have required his services before the first Monday in December next. . . . " Issue of June 28, 1825.

[2] According to the Centerville *Western Emporium,* February 5, 1825, Ray's candidacy was announced by the Indianapolis *Gazette* of February

[July 5, 1825]

Their [Ray's opponents] manly and high minded cuts at Col. Ray's block-house birth and bark-light fires will ensure for them contempt in all liberal minds, and bespeak plainly their aristocratic hankerings, but thinly veiled by their Plebian mark. Yes, sirs, I confess it, a block-house in Kentucky gave him birth, and he is indebted only to his unwearied industry by a hickory bark light, and a uniform course of correct conduct for the marks of confidence in his talents and character, which a discerning people have honored him with—He is a self made man, without the advantage of an eastern nativity or a collegiate course. What a stigma on some of the first, best of men, who like brilliant stars have blazoned the page of American story, that at this day a western birth among the poor folks of the country and an education self-acquired should be urged as serious objections to a prominent candidate.

Campaign for Governor: Excerpts from Communications to Indianapolis *Indiana Journal*

[March 29, July 5, 1825]

. . . My acquaintance with him [Ray] is limited. So far as it extends, it is of the most friendly kind. I view him as a gentleman of correct deportment, easy of access, familiar in his intercourse, and upright and honourable in his private transactions. Of his public conduct I have little knowledge except that which is derived from witnessing his course during the late session of the Legislature. I considered him a man of ordinary strength of mind, respectable acquirements, tolerably well qualified to preside over the Senate. . . .

1, 1825. The announcement was accompanied by a letter from "Vigo" praising Ray's "talents, industry, independence and patriotism."

. . . I had determined to give him my suffrage. I have not yet entirely altered my determination, but I confess that my purpose has been somewhat changed by the reiterated *puffs* so unmercifully lavished upon him by the Editor or *Sub-Editor* of the Gazette, who is said to be under wing of His Excellency. . . . The course pursued is the very one which is best calculated to excite opposition. That a man, however affable in his manners, should be, week after week, lauded and held forth as the *only* man in the state qualified to perform the duties of the office to which he aspires and attempt after attempt should be made to put down and throw a shade over all those whose friends have deemed them worthy of the station—and all this by one, a considerable part of whose time is spent in the Governor's room—is well calculated to create a disgust in the minds of a sober and reflecting community.

. . . On the resignation of Ratliff Boon, as Lieut. Governor and presiding officer over the deliberations of the Senate, Mr. Ray, far inferior in point of weight of character and qualification to many gentleman of that body, and without that characteristic modesty which is ever the concomitant of real merit, presented himself before the Senate, as a candidate for Pres't pro tem. He was elected. But the pompous and visionary style which both his conduct and manner assumed when conducted to the chair, as well as the inimitable language of his *address,* (a literary curiosity, previously prepared) are, to say nothing of others equally prominent among the parliamentary incidents of his life, which must continue to expose him to the jest and derision of the intelligent legislator, as well as the shrewd bystander, until time shall bury them in utter forgetfulness.

Had the Senate, on the election of Mr. Hendricks, to the Senate of the United States, and his resignation of the office of Governor, selected some of their body, whose term of service would not have expired previous to the election and qualification of a successor;[1] and, whose talents and experience would have afforded stronger pledges to the people, of the faithful and able administration of the government, that state of things that has, must, and will inevitably result, would have been borne with more patience and less mortification. . . . Are you willing to prefer sound to substance, desposed to elevate a man possessing scarcely a single solid acquirement to the most honorable, responsible, and dignified station in the government of your state?

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[1] For a discussion of this point, see *post,* 49-50n.

John Scott to Ray[1]

CENTREVILLE, March 16, 1825.

GOV. JAMES BROWN RAY,

SIR, I have discovered that Harvey Gregg, Esqr. has been appointed Consul to Mexico, which will make a vacancy in the Circuit Prosecutors place in the Fifth Judicial Circuit, or in the Circuit for which he was appointed. I have, therefore, been requested to solicit you not to make an appointment to fill that vacancy untill you hear from several persons in this quarter. I am informed that Abraham Elliott, Esqr. is a candidate for that vacancy, and I am of opinion he ought to have the appointment, as he is a poor man who has a large family to support, and as to his qualifications I think he is fully as well qualified as any person in that circuit, but these things are well known to you. It is the wish of a large number of the citizens of this part of the state that he should succeed, and many of your warm friends are of this opinion; on the whole I think the appointment of Mr. Elliott would give general satisfaction and more especially your friends in this quarter.

Your's in haste,

John Scott[2]

N. B. You will hear from others on this subject.

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[1] ALS. IHS: Wm. H. English MSS.

[2] Scott was associate judge of Wayne County. Gregg did not accept the appointment to Mexico. Calvin Fletcher of Indianapolis was appointed prosecuting attorney in the Fifth Circuit upon the expiration of Gregg's term the following August. *Executive Proceedings, 1816-1836,* p. 304.

Samuel Milroy to Ray[1]

SALEM 8th of April 1825

DEAR SIR I this day received your favor March 8th to which I in this greatest haste reply. I must very naturally be pleased with the flatering prospects as relates to my prospect for the office of Lieut. Gov. and I am also much gratified at the prospect of success as relates to yourself for the office of Gov. in the central counties. I believe you will receive a respectable vote if not a majority—and you may relye on my aid so for as practicable, or proper in the situation I am placed. Tomorrow morning I start for Orleans and shall be gone perhaps five weeks—the present hurry will necessarily oblidge me to curtail a letter that otherwise would have been more lengthy, —I take the liberty of enclosing a deposition of Ensign Brooks of the 9th Regt. Ind. who was fined four dollars for failing to attend muster when absent from the State. The hardship of his case and power being lodged no where but in the Executive has inclined me to apply in his behalf for a remitter [?] of it to your Excellency. Enclosed also is his recept for payment of passage on the steamboat at a date corresponding with the time of assessment of the fine in question. Your attention to this business in behalf of Mr. Brooks will confer a favor on Sir your friend as well as Mr. B.[2]

I think it uncertain whether you are likely to have any formidable opposition to your election to the office of Gov.—If none appears but that which is now spoken of I should suppose your success certain.

I had not heard that Wm. Cotton was a candidate for the office of Lieut. Gov. until within a short time and so far as I know he has not authorized his name to be announced as a candidate himself.—I should much rather he would not oppose me, he may be formidable.[3]

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[1] ALS. Robert Clarke Papers, Vol. 3, p. 187, Historical and Philosophical Society of Ohio, Cincinnati. Milroy was a state senator from Washington County at this time.

[2] Remittance of the fine is not recorded in the Executive Proceedings of the State of Indiana.

Be as oblidging as to communicate any thing you deem worth notice and you will much oblidge.

Yours etc. Most Respectfully

SAML. MILROY

Ray: Address of Welcome to Lafayette[1]

[May 12, 1825]

GENERAL LAFAYETTE—You have already been apprized of the sentiments of the General Assembly of this state, through

[3] Cotton was a former judge and representative from Switzerland County. He did not become a candidate for lieutenant governor. Milroy lost the election to John H. Thompson.

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[1] Lawrenceburg *Indiana Palladium*, May 27, 1825. In 1824-25 Lafayette made his second and last trip to the United States upon the invitation of Congress. He visited each of the states of the nation whose independence he had helped win. Indiana's invitation was extended through Governor Hendricks who wrote, "It would be gratifying to see you at this place [Indianapolis], but if that should be considered too inconvenient we would gladly receive you at any town on the Ohio river which you may be pleased to designate." (Letter dated January 29, 1825). The General Assembly passed resolutions hailing the visit and ordered the Governor to draw on the contingent fund to meet expenses incurred in properly honoring the hero. Lafayette replied to Hendricks from Washington on February 20 accepting the invitation and describing himself as "penetrated with gratitude" to the state and General Assembly. See Logan Esarey (ed.), *Messages and Papers of Jonathan Jennings, Ratliff Boon, and William Hendricks (Governors Messages and Letters,* Vol. 3, *Indiana Historical Collections,* Vol. 12, Indianapolis, 1924), pp. 526-29. Hereafter cited as Esarey (ed.), *Governors Messages and Letters,* Vol. 3.

Lafayette was greeted by salutes from guns and artillery as he landed on the Indiana shore at Jeffersonville on the morning of May 12. Acting Governor Ray made the above speech and Lafayette replied. A banquet and toasts followed and the honor guest returned to Louisville in the evening. The newspapers of the day carried accounts of the celebration. See also Charles N. Thompson, "General Lafayette in Indiana," in *Indiana Magazine of History,* 24(1928):66 ff.

This was undoubtedly a great occasion for Ray and he probably labored over his words of welcome, but they found little favor among his political opponents. See, for example, letter printed below, 46.

the resolutions, which my predecessor had the honor of transmitting to you, and which have received, on your part, the most affectionate acknowledgment.

Permit me, as the organ of their feelings, and of those of the people of this state, to hail with delight, this "auspicious visit!" Your presence on our soil, whilst it satisfies the wishes of the present generation, will be marked by posterity, as the brightest epoch in the calendar of Indiana! Accept, dear General, our cordial congratulations, our heartfelt welcome, our devoted aspirations for your happiness.

In presenting you this free-will offering of our hearts, we do not obey *exclusively,* the impulses of personal affections and gratitude. In the language of our Legislature, we unite with these *"reverence* for *character* and *principles."* We exult, in co-operating with our brethren of this Union, to demonstrate to the world, that a *benefactor* and *friend,* superadding to these sacred claims, those of a *patriot, philanthropist,* and *republican,* "without fear, and without reproach," will ever receive the unanimous acclamation of a free people. If we look in vain, into the history of other nations, for this concentration of feeling and sentiment, on any individual, it is because we shall find but one nation enjoying the pre-eminent felicity of claiming as its citizens, a Washington and Lafayette! Allow me, General, on this grateful occasion, to intimate a hope, that our sister republic of Colombia may find in the illustrious Bolivar, a legitimate successor in *their* hearts to these venerated titles in *ours!*

General!—When you first landed on our shores, and was received with out-spread arms by all our citizens, who had the happiness to be near you, the enemies of freedom in Europe, derided these genuine impulses of gratitude, as the results of popular effervescence and caprice. It is now approaching a twelve month since your presence diffused joy and gladness amongst us, and twenty-one states out of twenty-four, have recorded, by public admonstrations, their *deliberate* sense of the honor and happiness you have conferred on them, by your visits.

The states of this Union, west of the Allegheny mountains, were at the commencement of your generous services in the cause of America, *unknown,* except as the boundless tracts of an unsubdued wilderness!

This extensive territory you now behold, reclaimed and fertilized, with a population of millions, all cherishing with enthusiasm, your principles, and emulating each other with harmonious rivalry, in rendering to illustrious merit, the grateful offices we now attempt.

This population is daily extended, with increasing strides, to the western limits of our continent, where your name, in conjunction with that of the immortal father of his country, will be repeated, as it now is here, in accents of love and veneration, and where, in all human probability, some of the immediate descendants of those you see around you this day, will rehearse the passing scene to their posterity, till the tones of joy and exultation shall be lost in the murmurs of the Pacific Ocean!

Once more, General, Indiana greets you with a cordial welcome!

Ray: Announcement of Candidacy for Governor[1]

[May 21, 1825]

FREEMEN OF INDIANA, Permit me to state that I will serve you the constitutional term of *three years* in the place I now occupy, if approved of by a majority of the people. I have lived in this Western country *thirty years*—am a native—a republican—the friend of civil and religious liberty—to the freedom of the press, to law—have long been an open advocate for Internal Improvement—for domestic industry—a friend to education—to freedom and to peace—to equal privileges—to my country, her interests, inhabitants and glory.

Should you think fit to elect me Governor of this young and interesting state, to which I feel bound by the strongest ties, it will be for me to feel and acknowledge the extent of the obligations, that so distinguished a mark of confidence and respect will lay me under, and prove myself worthy of your expectations.

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[1] Indianapolis *Gazette,* June 7, 1825, from the Salem *Indiana Farmer.*

If, in your judgment, you choose another, at the expression of your will, I will cheerfully march from the post which the constitution and your senators have assigned me for the time being. If my course is improper, condemn my pretensions. If it is reasonable and regular, and I have merit, do me justice. To become personally acquainted with all is impossible; but my public and private character is submitted to your scrutiny. With the land that flourishes I flourish. In the country that withers, I die. Your interest is mine—mine to advance yours. Society is formed for us all. The eye of the state is upon us, and each is expected to perform his duty.

I have the honor to be, With great respect, Your most obedient servant,

Salem, May 21. JAMES B. RAY[2]

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[2] This announcement appeared in papers over the state. A letter to the Richmond *Public Leger,* July 23, 1825, tore it to pieces for literary style and lack of content, referring to its "pompous jargon," and its "political sophistry," which the illiterate generously construed to be "political wisdom." "Now, Sir, without adverting to any of this *Ray's* previous illuminations, (not even to that *mild beam,* so lately tried under the Gallows,) I want no other than this last emission, 'which I see before me,' to satisfy the unprejudiced, who will *read* and *think* for themselves, that age can never mature this 'blighted plant of the forest,' that experience does but aggravate his folly, and patronage heighten his arrogance!" The allusion to gallows may refer either to Ray's speech when he pardoned Samuel Fields (see below, 37-38), or to his pardon of John Bridge, Jr. (see below, 39n), both of which were dramatic performances.

The *Niles' Weekly Register,* 28(August 20, 1825): 387, attacked the announcement but from another angle: "It may be mentioned, I believe, as a thing without precedent among us, that Mr. James B. Ray . . . has publicly offered himself as a candidate for the gubernatorial chair, and, in a public address, solicited the suffrage of the people—a proceedings which, we think, cannot be approved of, whatever may be the merits of the individual in either respects. He is, at present, the acting governor, having been president of the senate." Offering one's name for election to public office was not unknown in Indiana. Aspirants to county offices and seats in the legislature had presented themselves as candidates

Ray: Pardon of Samuel Fields[1]

[May 27, 1825]

Samuel Fields![2] You have been convicted of the crime of Murder by a jury of your country, and sentenced by the court to be executed on this day. Your last hour is just expiring. You have petitioned the only human authority on earth, that has power to save you, to permit you to live. Your petitions have been received, weighed and investigated. Your whole case has been examined and matured. In making this appeal, you have imposed upon me, the performance of the most responsible and important duty of my life. If, in coming to a conclusion on this subject, I had attempted to consult popular feeling, I must have been lost in the variety of opinion. Duty with me is above all other considerations, and my conscience must be my guide. Though you stand convicted, a majority of the officers of the court that tried you, and about *eight hundred* of your fellow citizens have petitioned in your behalf, including the clergy of your county, men well known for their attachment in good government and law—men who would never identify themselves with your case, if they thought you a wilful and malicious murderer. Your own and these petitions have weight with me; but let me assure you that you have had a still more powerful advocate. The blood you freely parted with in our struggles for independence, and your infirmities and scars speak for you! Your grey hairs speak for you! Those soldiers who fought with you for our common country, who now stand around, are powerful orators and successful advocates for you;

through the newspapers, but neither Jennings nor Hendricks had taken so bold a step as Ray in announcing himself for the governorship.

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[1] Indianapolis *Gazette,* June 7, 1825, from the Brookville *Enquirer.*

[2] Samuel Fields, a Revolutionary soldier, was indicted for murder in the Franklin County Circuit Court for killing Robert Murphy, a constable who was attempting to serve a writ against him. The evidence was conclusive and the jury returned a verdict of guilty. The penalty under the law was death. Fields was eighty-five years old and hundreds of petitioners sought his pardon. *Executive Proceedings, 1816-1836,* p. 321; Oliver H. Smith, *Early Indiana Trials and Sketches* . . . (Cincinnati, 1858), 23.

and I almost fancy that I hear the voices of *Washington* and *Warren,* calling for mercy in your behalf.

Take this, Sir, (handing him a PARDON,) and remember that by exercising this high constitutional power, I am responsible to my country for your future good behaviour. Though I view you as a child in intellect and as a dying man, yet should you ever, by the favor of Heaven be restored to health remember that I am your security for your conduct.

Whilst I am willing under all circumstances to restore you your life, I do not do so under the belief that you have committed no crime. No, my opinion is that you might have been convicted of manslaughter.[3] But as the verdict stands against you, you must either be hanged or pardoned. I have no power to commute, or change your punishment—no, none but to forgive you. In doing this I may err. But "to err is human" and "to forgive divine."

Abraham Hudson, *et al.,* to Ray[1]

[May, 1825]

To His Excellency James B. Ray Governor of the State of Indiana Greeting

We the undersigned citizens of the county Madison and persons present at the trial in the State of Indiana, Humbly represent unto your Excellency that at the May term of the

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[3] No one quarreled with Ray over his action in behalf of Fields, but he was attacked strongly by a correspondent of the Indianapolis *Indiana Journal* (issue of July 12, 1825) for the reason he gave: "In order the better to justify his conduct in pardoning Fields, . . . Mr. Ray, as acting governor, resorted to a most unwarrantable determination, that of casting a criminal censure upon the court before whom the trial was had and the jury who convicted the guilty culprit—by saying in the most bold and confident manner, that the circumstances of the murder did not warrant the decision; that, instead of a verdict of 'murder in the first degree,' it should have been rendered 'manslaughter.' What a fearful responsibility was here assumed by an absent individual. . . .! Could the important concerns of a state be long safe in the hands of a man who could be so weak or so wicked, or both?"

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

Madison Circuit Court of the county aforesaid Anno Domini eighteen hundred and twenty five there came on to be heard before the judges of said court, the trial of John Bridge for the murder of an Indian man named Logan on an indictment against the said John Bridge and James Hudson, and that the said John Bridge was then and there duly convicted of the said crime of murder.[2] But your petitioners humbly represent that from all circumstances that have come to their knowledge concerning the transaction from the matters revealed on the trial, and from his youth ignorance, and the manner which he was led into the transaction, he being a lad only of the age of seventeen years, at the time the unhappy murder was committed. We do most earnestly warmly & solemnly recommend him to your Excellency as a fit subject for your clemency & Executive mercy and most seriously urge your Excellency to grant unto the young man (John Bridge) a complete pardon of the crime & punishment aforesaid and as in duty bound your petitioners will ever pray &c.

Abraham Hudson
[and 93 others]

Ray: Certification of Election in Floyd County[1]

[June 7, 1825]

James B Ray acting governor of the state of Indiana to the sherriff of Floyd County greeting,

Whereas on the sixth day of May ultimo John H. Thompson

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[2] In the spring of 1824 a peaceful hunting party of Seneca Indians, camping on Fall Creek in Madison County, were set upon by a party of five white men, including John Bridge, Jr., and his father. All the Indians—2 men, 3 squaws, and 4 children—were murdered. One of the white men was tried and executed in 1824. The other four were tried and convicted as stated above at the May term of court, 1825, and sentenced to hang. John Bridge, Jr., was only seventeen, and there was strong feeling in favor of clemency for him. Ray presented the boy his pardon on June 2, at the gallows. Indianapolis *Gazette*, June 7, 1825; *Executive Proceedings, 1816-1836*, p. 321; Smith, *Early Indiana Trials and Sketches*, 51-53, 55-57, 177-79.

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[1] DS. ISL: Borden MSS.

a senator in the Legislature of this state representing the Counties of Clark and Floyd resigned his said office,[2] These are therefore to require that you cause an election to be had and held by the qualified electors of the said County of Floyd on the first Monday in August next for the purpose of filling the vacancy occasioned by the said resignation.

Done at Indianapolis the seventh day June in the Year of Our Lord 1825 the ninth year of the state, and of the Independence of the United States the forty ninth.

[SEAL] In testimony I have hereunto set my hand, and caused to be affixed the seal of the State on the day & year last aforesaid.

By the acting governor J. BROWN RAY
WM. W. WICK Secretary

Thomas R. Stanford to Ray[1]

STATE OF INDIANA HENRY COUNTY June 9th 1825—
TO THE HONORABLE THE GOV. of the State of Indiana,

SIR After my respects to you I would just inform you that Circumstances makes it necessary for me to resign my Commission which I here transmit. I hope you will receive it, and issue your Writ of Election immediately in order that the people may be able to fill the vacancy at the general election.

J. B. RAY THOMAS R STANFORD[2]

[Endorsed:] Henry County Writ of election issued June 21, 1825.

[2] John H. Thompson was a candidate for lieutenant governor. He was elected the following August. His resignation from the Senate was probably prompted by the criticism heaped on Blackford for running for governor while holding his seat on the Supreme Court. *Ante,* 28n. John K. Graham was elected to fill Thompson's place in the Senate.

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[1] ALS. ISL: Archives Division, Secretary of State files.

[2] Stanford was associate judge in Henry County. *Executive Proceedings, 1816-1836,* p. 467.

James Rariden, *et al.*, to Ray[1]

[June 11, 1825]

We the undersigned do not hesitate to Reccomend William Crawford now a resident of Montgomery county Indiana as a suitable person to fill the office of county surveyor for the county of Montgomery afsd

June 11th 1825

JAMES RARIDEN
ELEAZAR HIATT
HENRY HOOVER

The above named William Crawford was out with me when I survey'd a District on the Wabash River, and I think him qualifyed, to fill the office, of County Surveyor—

HENRY BRYAN

June 20th 1825 CENTREVILLE

DEAR SIR, Should you see cause to grant the commission to William Crawford, (my son) please to send it by the post to Centreville. I expect him here in a few days— I am doing what I can, for your Election, and have been in different parts of the County, & find you will succeed Judge Blackford has been through Wayne County—every place whare I was but I overthrew his motions—I was with General LaFayette at Cincinnati & talked with him on subjects gratifying to us boath —from your old friend &c &c

WILLIAM CRAWFORD

TO YOUR EXCELANCY JAMES B. RAY
[Endorsed:] Appointed 8 August 1825

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[1] DS. ISL: Archives Division, Recommendations and Appointments file.

Ray and the "Gag Law": Communication to Lawrenceburg *Indiana Palladium*[1]

[June, 1825]

In the 21st number of the "Indiana Palladium," I see a communication over the signature of "A Republican," accompanied with some remarks of the editor of that respectable journal, *requesting James B. Ray* to *explain* his vote in the winter of 1823-'24; and to know whether he *still entertains* the same opinion in relation to the following section of law, to wit: "Every person who shall make, print, or publish any slanderous or ridiculous writing, picture, or sign, with a *wicked* or *malicious design or intent* towards government or individuals, shall, on conviction, be fined not exceeding five hundred dollars."[2]

I appeal to the world if it is not very unfair, to call upon a man to explain his vote in *favor* of a law, which some have been pleased to call a "gag law," when no such vote was ever given.

If this request had been made by the editors, perhaps, Mr. Ray would have felt himself under some obligations to have answered it over his own name; but it cannot be considered, by any liberal community, as his duty to respond to every, or even any attack, or request, over an anonymous signature, sometimes made by non-residents of the state who have no voice in our political concerns. In making this attempt, at this crisis, when Mr. Ray is before the people and not before, to drag him into a controversy, that can only be explained by the rules that govern parliamentary bodies, barely to confuse society and throw a suspicion upon his principles, discovers *two* prominent facts that reflect but little credit upon the author. By it we discover that the writer is profoundly, palpably ignorant of the principles and rules of legislation, and the *effect* of a vote in the legislature at the various stages of a bill. By it we learn that there are persons, who are prompt to *censure* before they understand.

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[1] Reprinted in the Indianapolis *Gazette*, June 28, 1825.

[2] As explained below, this was a section of a revised bill on crime and punishment passed by the House. In the Senate among other amendments offered was one to strike out this section, which passed 9 to 7, Ray voting with the minority. Indiana *Senate Journal*, 1823-24, pp. 145-46. Ray's action in this instance was still being recalled six years later. See John H. Thompson to Ray, June 20, 1831, printed *post*.

I assert most positively and prove it by the journals, that Mr. Ray or any who voted with him, never voted *for* this section of law to which allusion is made.

I appeal to legislators every where who understand what they are doing in a deliberative body, to bear witness with me on this subject. It is all a misunderstanding and misrepresentation, as to the nature of the question upon which the vote was taken. The *merits* of that *section,* which seems to be so obnoxious, were never before the senate of Indiana. Its principles were never tested by the motion under which it fell. It is therefore unnecessary for Mr. Ray to state, whether he *"still holds the same opinion,"* when he never supported such policy. I challenge any & all who have been with him in public & private life, and who have known him from his cradle up to this time, (and he has been raised here among us,) to shew that he has ever expressed a single wish to interfere with the liberty of the press, or the privilege of verbal freedom. On the contrary he has taken a firm stand in favor of the right of the people, to animadvert freely on their public officers who might step from the path of duty.—The truth is, that a few calculating politicians have been trying to impose upon the people.

That all may be satisfied of the present opinion of Mr. Ray on this subject, I will copy some of his own language from the first paragraph of his address to the voters of the third congressional district, as late as August last, long after he is said to have sinned, by his vote in the senate.—He speaks to the people in these plain terms, viz. "Your government has been created by yourselves. It is one of your own choice, and is happily based in the will of the people, and is of laws & measures and not of men. By your powerful voice you direct its helm, in your hands are its purse strings, and your vigilent eye penetrates all its departments. *All its public functionaries* *are the creatures of your volition, and there are none of them,* whatever may be their *political elevation,* that are not at all times subject to your *animadversion* for *mal-administration in office.*" Is this the language of one who is friendly to a gag law? Shame to those who have attempted thus to slander an officer, who has always breathed the most republican sentiments. Again, does he not tell you in his short address to the "Freemen of Indiana," of the 21st ult. that he is friendly to the liberty of the press? Why then do you wish to see his sentiments repeated?

I will now state the stage of the bill at the time the vote was taken upon it, as the journals show. It was the revised bill of criminal law, reported by Gov. Hendricks, and this *section* was a part of it.—This same law was passed by the house of representatives without *opposition,* and was reported to the senate for its concurrence. No sooner had the bill landed in the senate, than a motion was made to *strike out the section,* which was decided in the affirmative. Nine members voted for striking out, and seven with Mr. Ray, voted against it. Now, did those who voted *against* striking out, vote *for* the section? No. Was the bill on its passage? No.—Furthermore, what was the effect of striking out the section at that stage of the bill? It was this: All propositions to lop away the objectionable parts of the law were precluded—all amendment to it was proscribed and prevented—reflection and consideration upon its merits were ostentatiously defeated, and a contempt offered to the lower house, for not suffering it to undergo the customary rotine of legislation. Well, what would the vote of Mr. Ray and others, if successful, have effected. It would only have retained the law for further consideration, and then in the end when it was on its passage, they might as is done constantly in a legislature, have voted altogether against the law. It would have enabled its friends, (if it has any,) to make it as perfect as possible, (which is a course usual and liberal,) by amendment. It would have been treating the other branch of the assembly with that respect which is due them, to *consider* their law at least, and then to kill it if thought unwholesome. It discovered a degree of malignity that was incompatible with philosophy, to strike it out so suddenly, by which the house of representatives were told, their law was too detestable to be *thought* of.

Finally, I aver it to be an every day's practice, for members to vote against striking out a bill, and then afterward to vote against the law; so that this kind of a vote proves nothing. The motion to strike out, if negatived, had not the effect of passing the section into law.

In conclusion, permit me to state that this section is much misrepresented. It does not punish any one for *talking* as much as they please, and of whom they please. Verbal discussions or the *freedom of speech,* is not embraced by the law.—It only punishes the *wilful, malicious* and *base hearted libeller.* True, free, open and fair discussion, in the prints, is not prohibited. It punishes no one for writing the truth; but it does for a slanderous falsehood. TRUTH.

Campaign for Governor: Communication to Lawrenceburg *Indiana Palladium*[1]

[July, 1825]

Let me now turn my attention to . . . Col. Ray. He came to this state some six or seven years ago, from the clerk's office in Cincinnati where he had acted as deputy clerk for several years, and settled in the town of Brookville as a practicing attorney. It was stated he was then about of age, which would make him at this time, about twenty-eight years old. His education is very limited: and those who know him now, and are capable of judging, know that he cannot write the English language grammatically. As a proof I might refer to all his productions which have met the public eye, not one of which would bear the test of criticism. I will go farther and say, there is not one of them of which a man of sense and learning, would not be ashamed to acknowledge himself the author. Look at his late electioneering address written at Salem. Who ever saw such a composition before from any man or in any country? His speech to Gen'l. Lafayette is also an unique and deserves to be particularly noted.[2] What man ever read such a piece on such an occasion? The best, however, he ever made. And what citizen of Indiana does not feel sorrow and regret when he knows it will go abroad as coming from the highest officer in the state? Cold, vapid, and inflated, labored and pedantic, without one vigorous or soul-animating expression, it stands at an immeasurable distance below every address of the kind which has been delivered to that venerable and illustrious patriot, in the progress of his triumphant tour through our country. Never was there a finer theme for eloquence, and never was there a failure more complete. How painful to a sensitive mind is the contrast between that speech, and those of our neighbour in Ohio. And, what kind of a communication would such a man make to the legislature? Young, whimsical and illiterate, with very little experience in public business could he deliver a message to that body, fraught with sound and useful information, and written in a clear, nervous and manly style: one that would promote our prosperity at home, do us honor abroad, and give us a standing and a name among our sister states. If he could, the age of wonders has not yet passed.

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[1] Reprinted in Richmond *Public Leger,* July 9, 1825.

In what manner he has advanced both at the bar and in public life, is too well known to be repeated. It is due to him, to say, that as a practising lawyer his standing as a young man was respectable. In this respect he stood upon an equality with the rest of the young men who started with him, and in point of sprightliness of mind, if not in judgment, he was hardly inferior to any of them. Were he less ambitious, and would devote himself to study and literature until his judgment has had time to mature, he might at some future time, become a prudent legislator and an useful man in our councils. At the present, he is thoughtless, rash, and inconsiderate, crude in his conceptions, superficial in his attainments, and in forming his judgment, hasty and immature. Delivering himself up to the excursions of an erratic and unbridled imagination, he roams amid the delusion of twilight, and with a superstitious credulity, believes every apparition a reality. Without waiting to weigh every thing in the scales of reason and balancing the good and evil on every side, he seizes with intuitive celerity on the first suggestion of his mind, and pursues it with an ardor, and precipitation seldom witnessed in any other man.—There every thing should be matured and the officer should never act, but from the convictions of his unbiased and enlightened reason.

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[2] For both of these see above, 33-35, 35-36.

The constitution requires the governor of the state to be thirty years old. Col. Ray, from his own uniform declarations, until lately, is only twenty-eight. How could such a man take the oath of office? Before he can act, he must swear to support the constitution. Ought he not to satisfy the public on this ground, by producing the register of his birth, or an attested certificate of his age, from some person acquainted with him. This is easily done, as his relations live among us, who could make the necessary affidavit, if required.[3]

To conclude, there are a number of men of good standing, who are supporting the election of Col. Ray, some of whom have heretofore been his most strenuous opposers. Is it because they expect to speculate upon his gratitude and the pliability of his virtues, to obtain, public appointments? or how happens it, that all their evil opinions of him are now abandoned? *"'Tis strange! 'tis passing strange!!"* Something must be in the wind, or those amiable and supple enemies would not be seen rushing fondly into the arms of each other. Let the people look to it. It is for them to ratify or break up the coalition. But I trust

[3] Doubt that Ray was old enough to qualify as governor was expressed by others. See particularly the Richmond *Public Leger* of July 30, 1825, and Indianapolis *Indiana Journal,* July 26, 1825. He was not to hear the end of this during his governorship. Woollen gives Ray's birth date as February 19, 1794, but does not give the source of his information. *Biographical and Historical Sketches of Early Indiana* (Indianapolis, 1883), 56. Witnesses who testified in behalf of Ray on the question asserted that he was upwards of thirty years when he became governor, but none of them, including his father, gave a definite day of birth. See *post,* 65n, 223n.

they will be faithful to themselves and select a man who is connected with no parties, and who will look solely to their own and the general good; whom no solicitations can bias, nor individual influence could induce either to forego or compromit any of the sacred duties confided to his hands. By doing so, they will preserve the purity of their government, and give a felicitous action to all its operations. They will put an end to parties, and defeat all their artifices and combinations. No soldering of old enmities for private gain; no coalition will be able to succeed, but the suppositious and mischievous foundling, will be cast out from amongst us "unhouselled and unannealled, "*bene vertant.*"

Henry S. Handy to Ray[1]

LEXINGTON IA July 19th 1825

DEAR SIR The enclosed resignation was handed to me by Mr. Hicks wishing me to forward the same to you. The following recommendation will assist you in appointing Mr Hickses successor.[2] the person therin recommended is probably the best selection you can make with in the county at this period—

Yours Respectfully

H S HANDY

TO HIS HONOUR JAMES B. RAY

We the undersigned do recommend Doct C. G. Ballard as a suitable person to fill the office of coroner in Scott county & wish him appointed if consistant with your Honors views—

JOHN H. HICKS	JESSE JACKSON
J WARD Clk	ALPHONSO BROOKS
MOSES GRAY	JAMES GOODHUE
J V WHITE	

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[1] ALS. ISL: Archives Division, Resignations file.

[2] David Hicks was coroner of Scott County. *Executive Proceedings, 1816-1836,* p. 591.

Dear Sir I obtained but few names to the recommendation of Chester G Ballard for I thought it not necessary. Dr. Ballard is one of the most popular men of our county & a warm supporter of your election & a very worthey man

PS. Your friends & relatives in this part of the country are all well Your prospect in this county are flattering at this period. In Jefferson county there is a great diversity of opinion & no one can make any certain estimate of the final result Yours

Lut Gov J B Ray[3] Henry S Handy

Permit me to join the aforesaid gentleman in recommending Doctor Chester G. Ballard for coroner of the county of Scott He is a gentleman of much respectability Yours &c

William Hendricks

20 July 1825
His Excy James B. Ray
[Endorsed:] Appointed[4]

Decision of the Secretary of State Not to Convene the Senate[1]

[July 23, 1825]

The Secretary of State[2] has determined that it is not his duty to take notice of or decide upon any actual or supposed vacancy in the Executive Chair happening or supposed to happen, BY OPERATION OF LAW, but that it is his duty to convene the Senate when a vacancy in fact may occur, occasioned by the death, resignation, or absence from the state of the Lieutenant Governor.[3]

[3] This is the only instance of Ray's being addressed as "lieutenant governor" that was noted by the editors while examining documents pertaining to the period in which he was acting governor.

[4] Chester G. Ballard was commissioned coroner on August 8, 1825. *Executive Proceedings, 1816-1836,* p. 591.

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[1] Excerpts from Richmond *Public Leger,* July 23 and October 15, 1825.

[2] William W. Wick.

[3] As noted above (*ante,* 23n) the constitution stated that "If the

[October 15, 1825]

It is a subject worthy of enquiry, whether we have, agreeable to the plain letter of the constitution, an Executive who has any shadow of authority to administer the government of this state? Was not the functions of Governor exercised by

Lieutenant Governor shall be called upon to administer the Government, and shall, while in such administration, resign, die, or be absent from the State, during the recess of the General Assembly, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a president *pro tempore*."

The argument of Ray's opponents against him continuing as acting governor after August was that his term as senator would expire in August when his seat would be filled by another. Hence he could not continue as acting governor, which position he occupied as president pro tem. of the senate. It was a good point, and many columns were filled in the press in arguing it. A letter in the Indianapolis *Journal* stated flatly, "On the 8th day of next August, the term of James B. Ray, as senator of Franklin county, is out and the person who is elected Governor cannot take the oath of office and enter upon its duties until the 3d day after the meeting of the next Legislature. Now, if James B. Ray takes upon himself to exercise the office of Governor, from the 8th of August as above, until the meeting of the Legislature in December, he does it without any authority derived from the people. What will you call an act of that kind but usurpation?" Issue of July 12, 1825. In the issue of August 23, a *Journal* correspondent anticipated the "numerous perplexing difficulties that would arise in our courts of justice from the unconstitutional, and consequent illegal manner in which commissions would issue, in both civil and military departments of government. . . ." "The belief . . . of most of my neighbors, as well as myself is, that Mr. Ray, on the expiration of his time as senator, (with respect to his constitutional power to administer the government,) became politically dead." In the same issue of the *Journal* the editors acknowledged what was probably the chief reason that the secretary of state made the decision that he did—the expense to the state of calling the Senate into special session, "but surely," it added, "it were better to put the state to a small expense than to put a construction on the Constitution, not warranted either by the letter or the spirit."

The pro-Ray Indianapolis *Gazette* (February 14, 1826) defended Wick's position: "We might advert to the conduct of the Secretary of State . . . we might bring forward the voice of men standing high in their country's confidence to sanction the conduct of that officer, who took every pains to be convinced, what should *be his proper course*."

Ray continued to act as governor until his inauguration in December, though the constitutionality of his position continued in question. Apparently none of his acts during this period were challenged in the courts.

James B. Ray, by virtue of his office as senator; and did not that time expire for which he was elected, the first Monday of last August? If so, we are without an Executive until the sitting of an Assembly. And every act by a pretended governor, will be a subject of dispute for years to come. It would not be amiss to enquire of Mr. W. W. Wick, Secretary, if he would not have discharged his duty in calling together the Senate, instead of corresponding with each Senator and Prosecuting Attorney, to know their separate opinions. . . .

Editorial: Ray's Election as Governor[1]

[August 27, 1825]

We have at length ascertained to a certainty, the result of the late election in this state for Governor and Lt. Governor and it appears Mr. Ray is elected to the first mentioned office, by a small majority over his opponent Isaac Blackford. However much we may feel disposed to acquiesce in the will of the majority—and how with reverence to its mandates, as is the duty of every good citizen—we cannot, nevertheless, refrain from remarking that in our humble opinion, the people of Indiana might have selected a person in almost every respect better qualified to preside at the helm of the state, than the individual whom they have elevated to that responsible station. The stern integrity, exalted talents, and extensive acquirements of Isaac Blackford, would have given to our young state, a character and a stand in our Union, which we fear she cannot attain under her present chief magistrate.[2]

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[1] Vincennes *Western Sun & General Advertiser*, August 27, 1825.

[2] Elihu Stout, editor of the *Western Sun*, was a Jackson man, and skeptical of Ray for his Clay proclivities. The pro-Ray Indianapolis *Gazette* would not let Stout's statement pass unnoticed, remarking, "It will no doubt be gratifying to Col. Ray to find that this is the only instance in which the good sense of the people of Indiana has been held in derision—the other papers opposed to him having acquiesced in the decision or remained silent." Issue of September 13, 1825.

Livingston Dunlap, *et al.*, to Ray[1]

[September 3, 1825]

To His Excellency, James B. Ray, acting Governor of the State of Indiana—

The undersigned respectfully represent that during the inclement part of last winter John Johnson and Calvin Fletcher released Enos Banks, a coloured man, from confinement in the jail of Marion County, by entering into a recognizance for his appearance at the last term of the Marion Circuit Court, to answer a charge of assault and battery, & that judgment was entered at said term against said Johnson and Fletcher for twenty five dollars for said Banks' default; and considering that no bill was found against said Banks, that he was suffering severely from cold when in confinement and that the peace, harmony and morality of the vicinity is in a signal manner advanced by the absence of said Banks, we respectfully request the remission of the said penalty incurred by the said Johnson and Fletcher.

September 3, 1825

Livingston Dunlap
[and 34 others]

[Endorsed:] Remitted Issued dec 10, 1825

[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

David H. Maxwell to Ray[1]

Bloomington Octr 10th 1825

Dear Govr. The bearer of this letter will present to you a petition having for its object the release of John Jackson of this county from confinement in our county jail.[2] Not having heard the whole of the testimony on the trial of Jackson I have declined puting my name to the petition, but will in aid of the petition state the following facts. 1st The verdict of the Jury to confine Jackson in jail for six months was not I am convinced expected nor wished by a majority of the citizens of Monroe County: but about half that time would have met their expectation—2d. Popular feelings and I may venture to say popular *prejudices* were pretty highly excited against the prisoner before and at the time of his trial; and many who at that time would have wished the prisoner in the state prison have now signed the petition for his release—3. The prisoners *health* and *life* are absolutely jeopardized from the stagnant, foeted, and damp air of the dungeon in which he is confined—On this last subject I speak professionally as a physician—The object of our laws which condemn for certain offences the criminal to confinement in prison can only be to take from him his personal liberty and it surely was never contemplated to punish him additionally by pestilential air which when emitted from the narrow gratings of his dismal abode will drive a bystander backwards as if accosted with the strong fumes of Hartshorn—The state of our prisons is a subject that imperiously demands legislative investigation. 4th. The citizens of this county very generally commiserate the prisoners situation, and the remission of half the term of his confinement or even the ballance of the time, would meet their approbation—The expense to our county is even now considerable and it will be much increased by keeping Jackson confined until next spring—If Jackson has to remain in jail through the winter he will suffer unreasonably and I do say that every principle of justice would be outraged by adding bodily pain to a protracted confinement in prison which alone was considered as being sufficient to expeate his crime—You will therefore consider me as one of the petitioners for releasing John Jackson from half

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

[2] The petition was signed by approximately three hundred persons and endorsed: "Pardon so far as relates to imprisonment in county jail Issued 3 Nov 1825." John Jackson was convicted of assault and battery

with intent to commit murder. James Whitcomb, Jackson's attorney, wrote Governor Ray on September 20, 1825, that "through an unaccountable mistake a very material part of the evidence for Jackson's defence was not procured in time to be used on the trial and which would doubtlessly have materially influenced the verdict." IHS: Wm. H. English MSS.

the sentence of the jury which would confine him in prison for six months.

Your friend & obt. servt.

D H Maxwell

J. B. Ray acting Gov. Ind.

Stephen Whicher, Jr., to Ray[1]

Vevay 27th Oct. 1825.

Sir I have this day been requested to sign a petition, praying your Excellency to pardon Samuel Nelson, who, I am informed, was sentenced to one year's hard labor in the Penitentiary of this state, at the last term of the Ripley Circuit Court, for an assault and battery upon William Skeene,[2] with an intent to kill. I seldom sign petitions of any kind; but I cannot sign the one shown me this day, not being acquainted with the convict or his circumstances; nor did I attend his trial.

I have heard something of his case from members of the bar who attended his trial, and heard the testimony; and am induced to believe from the facts I have heard, that his conviction was contrary to law; inasmuch as there was no evidence of malice prepense; hence had death ensued, it would not have been murder. The act itself I am informed was only an assault *animo furandi*—not even a battery, much less was it a wounding or mayhem. Tis true I am informed Skeene had a ca:sa: for the body of the convict, and by a construction of law the act of killing under this circumstance might have been murder, but this circumstance alone if no other existed would make this a case of peculiar executive consideration, as it would not have been murder *per se*. I have neither leisure nor ability to enter, in detail, into the argument, but drop these legal hints for your consideration—your legal knowledge will enable your to determine their correctness—the facts which will be laid before you will enable you to determine their applicability to the present case.

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

[2] William Skeen was sheriff of Ripley County. For the record of Nelson's pardon see *Executive Proceedings, 1816-1836*, p. 325.

I cannot, however, omit to mention one matter of fact with which I am well acquainted, that is, that the public prejudice of Ripley County, about a year ago, ran so high against him that I am confident he could not, at that time, have had a fair trial in any case. This originated in consequence of some alledged misconduct of his son. The same prejudice, I am told, was distinctly visible on the trial, and that the judges, (as is very natural, the president being absent) had drank of this corruptible stream. Their incapacity to give legal instruction to a jury in so critical a case must have rendered the probability of a legal conviction or acquittal, a mere matter of chance, or, if not of chance, certainly not of legal discretion.

If the fact of the convict's having numerous and respectable relations in this county would weigh in his favor in the executive breast, I presume it is too well known to your excellency to be mentioned. This however should never be a passport to vice, but I mention it as a strong presumption of his innocence.

Viewing the case, then, alltogether, with all the circumstances therewith connected, I would most cordially recommend him as a fit object of executive mercy, so far as it regards the imprisonment in the Penitentiary. I have the honor to be your Excellency's most obedient and very humble servant

STEPH : WHICHER JR

HIS EXCELLENCY JAMES B. RAY Indianapolis

[Endorsed:] Pardoned, on the payment of all state expenses, &c—Jany. 7, 1826—

Robert Ray to Ray[1]

DEARBORN COUNTY STATE OF INDIANA
[October, 1825]

HONORED BR this morning there was a petition presented to me to obtain pardon for Ge[orge] Burk through you I was at lawrenceburgh last term when and where G Burks case was heard I was forman of the traverse Jury and from the evidenc and circumstances I did not think his crime aggravating however the Jury could not be united to any thing else than the verdict that will be before you this family of Colored people I presume you have some recollection of they resided a bout 2 miles from Burlington in Boone County Ky they la[n]ded in that State upwards of 40 years a go and for 12 years I can Say I never heard any thing contradictory to Industry and honesty if you thought proper to set the sd G Burk at liberty I hope it would not be to the injury of the person at the community he is not prepared to do much injury you must think for your self I hope [you] will act correctly[2]

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

I intend to write to you by father Watts with due respect I remain yrs

ROBERT RAY[3]

[Addressed:] Mr James B Ray Indiana[p]olis, St of I[n]diana

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[2] There are a number of other letters in the file of Pardons and Remissions in Burk's (Burke's) behalf, including one from James Noble, and a petition signed by William Hendricks and other residents of Jefferson County. The *Executive Proceedings, 1816-1836* (p. 322) has the following entry: "Nov 4 George Burke a man of color convicted of passing counterfeit money in the Circuit Court of Dearborn County at the term of October last is pardoned." His sentence was for one year in the state prison.

[3] Ray, a brother of Governor Ray, was a Methodist minister in Dearborn County. He was one of the earliest schoolteachers in the county, and was said to have taught school on Judge John Watts's farm. Archibald Shaw, *History of Dearborn and Ohio County, Indiana . . .* (Indianapolis, 1915), p. 152. Ray may have married a daughter of Watts, but this has not been confirmed. For later mention of Watts, see *post,* 643.

Ray to the President of the United States[1]

EXECUTIVE DEPARTMENT
INDIANAPOLIS Novr 25th, 1825

HIS EXCELLENCY JOHN QUINCY ADAMS P. U. S.

SIR You are well aware that a large portion of the territory within the boundaries of the State of Indiana, is claimed by the Indians yet residing within our limits. To suffer this state of things to remain longer than that title can be extinguished upon fair and honorable terms, is neither advantagious to the government of the United States, or to the people of Indiana.

I am happy in having it in my power to state that I believe all those lands to which the native claims title within this state, can be purchased upon as advantagious terms at this time, as at any former or subsequent period. The tribes seem to entertain a wish to retire further from the scene of civilization. Many of the most enlightened of them, are beginning to discover that the money which they receive for their right of soil, produces amongst the young Indians, a visible degeneracy from their fathers. In this they are surely not mistaken. It is evident that the use which they make of their money, in purchasing spirituous liquors and using them to such great excess as they do, under no moral restraint whatever, will be the most effectual method of extinguishing their race. The strong minded savage, sensible of their condition and of the bad effects produced by our money, would, I think prefer exchanging their lands for some substantial commodities, which would rather tend to comfort them, than to expose their bodies to disease and death. They are well satisfied that while they pursue the chase they cannot do as well in the neighborhood of the white man, as when they are at a great distance from him. The unparallelled tide of emigration that we have witnessed this year, daily pouring in upon us, is much of it locating near the Indian lands, which makes them uneasy.

I would feel proud if consistent with your feelings, to have it in my power to make an effort, during the next season, to extinguish this title. I am satisfied that our delegation in Congress will cooperate with me, in endeavoring to accomplish this desireable object.

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[1] ALS. NA: Indian Office, Letters Received, Indiana.

Pardon me for the liberty which I have taken, and consider me as submitting the above to your better judgment.[2]

I have the honor to be with great respect your Excellency's most Obt. Servt.

JAMES B. RAY

James Gregory to Ray[1]

SHELBY COUNTY November 26th 1825

HIS EXCELENCY JAMES B RAY Governor of the State of Indiana

have writen some time since to inform you of the deth of our sheriff[2] and requesting that there should be no appointment pro tem made until it was general known through county that he was dead. I belive its now known generally and haveing let both those person know that are applicants that I was going to write this letter I now wish you to make the appointment and do not wish it posponed till the meeting of the legislature you have both there recommendation before you and letters[3] you can make the selection as well as to defer it longer for the longer it is put of I find the mo[re] warmth amongst the people

your sincer friend

JAMES GREGORY

[2] The Secretary of War replied to this letter on January 28, 1826.

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[1] ALS. ISL: Archives Division, Recommendations and Appointments.

[2] Sevier Lewis had been commissioned sheriff on August 18, 1824. *Executive Proceedings, 1816-1836,* p. 596.

[3] In the Recommendations and Appointments file in the Archives Division, ISL, there are numerous recommendations for the appointment of Isaac Templeton and Abner Kelsey. Templeton received the appointment. *Ibid.,* 596.

Treasurer's Report[1]

[December 3, 1825]

In obedience to the provisions of the act, concerning the Auditor of public accounts and the Treasurer of state, the following exhibit of the revenue and expenditure of the state, from the 1st Jan. to the 3d December, 1825, is respectfully submitted:

Amount in the Treasury at the commencement of the above term,	$26,587 78
During the same the receipts for revenue of 1822, amount to	772 06
1823, " "	1,205 88
1824, " "	7,328 96
1825, " "	6,954 84
From the seminary fund,[2]	325 00
The agent for Indianapolis,[3]	4,890 82
Collections from property not assessed, reported to this office,	103 30
From paymaster of 40th regiment for fines collected of persons conscientiously scrupulous of bearing arms,	7 00
Penalty for delay of payment by collector of Madison,	6 32
Total,	$48,181 96[4]

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[1] Indiana *House Journal,* 1825-26, pp. 59-61. Also in *Senate Journal,* 1825-26, pp. 37-39.

[2] Derived from lands in Monroe and Gibson counties granted by the Federal government for a state seminary.

[3] The agent was elected by the Assembly and had charge of selling the lots in the capital donation. The money from the sales was to be used for building purposes. *Post,* 61n.

[4] The state was in a better financial condition at the beginning of Governor Ray's administration than it had been at any time since the beginning of the state government. During the early years, expenditures exceeded receipts by some $5,000 each year. The state had gone into debt by borrowing from the Vincennes State Bank and its branches and

The following sums have been paid during the above period:

For public printing,	964 93
For stationary,	204 87
Interest on treasury notes,	285 93
For contingent expenses,	1,665 28
For expenses of the last Legislature,	6,832 76
″ of Presidential election,	50 32
″ of state prison,	453 61
″ of Seat of Government,	6,023 51
″ of the Judiciary,	3,418 48
″ of the Executive,	1,471 23
″ of Circuit prosecutors,	1,135 00
″ of the Attorney General,	50 00
″ of the Adjutant General,	73 08

by issuing treasury notes. The paper of the former depreciated to 25 cents on the dollar, and the treasury notes went as low as 56¼ cents; since both the bank paper and treasury notes were receivable in payment of taxes, the state revenue was soon in a serious plight. Then mismanagement of the Vincennes bank forced its closing in 1821 and the state bonds held by it were assigned to the United States government. These were being paid off with the receipts from the 3 per cent allocated to the state from the proceeds of the public land sales, and intended for internal improvements. During the session of 1823-24, a loan of $5,000 had been secured from Frederick Rapp of Harmony and a smaller amount had been borrowed from the county seminary fund.

Land purchased from the Federal government was exempt from taxation for five years; but as time passed more and more land became subject to tax, and by 1825 Governor Hendricks was able to give an encouraging report on the state's finances. Public credit had been maintained; the currency restored to soundness; receipts for the fiscal year 1824-25 had reached approximately $40,000, and the state debt had been reduced to $17,499, exclusive of interest. The debt consisted of $4,655 in treasury notes still in circulation; $5,971 borrowed from Rapp and from the seminary fund; $5,000 owed to the Three Per Cent Fund for roads and canals; and $1,873 plus interest due on bonds transferred to the Treasurer of the United States by the Vincennes bank. Since current expenditures were not expected to exceed $21,000, Hendricks expected the state would soon be out of debt. For an account of early state finances, see Esarey (ed.), *Governors Messages and Letters,* Vol. 3, especially pages 152-55, 164-68, 474-79, 486-87, 493-94, 517-18.

This department is entitled to a credit for treasury notes burnt, pursuant to an act of the last Legislature,[3] amounting to	18,541 00
Balance on hand,	7,011 95
	$48,181 96

The following items constitute the state debt:

Outstanding warrants,	691 00
Treasury notes in circulation,	1,459 00
Estimated interest,	120 00
Executive claims not audited,	500 00
Judiciary,	2,275 00
Circuit prosecutors,	437 50
To A. Baddolet, for register and map, &c.[4]	280 62
Claim for printing,	40 00
To U.S. assignees of Vincennes bank,	1,873 17
Interest,	440 19
To road and canal fund,	5,000 00
Interest,	1,475 00
Seminary fund,	1,296 96
Interest,	113 18
Frederick Rapp,	5,000 00
Interest,	300 00
	$21,301 62

There is also due the contractors for building the court-house in Indianapolis, to be paid from proceeds of sales of lots,	915 97[5]

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[3] The auditor and treasurer were ordered to count and burn all the treasury notes received in the state treasury until all the notes issued had been destroyed. *Laws of Indiana,* 1825, pp. 11-12.

[4] *Post,* 103.

[5] The first appropriation authorized to be paid out of the money collected by the agent of Indianapolis from the sale of lots was for the erection of the state prison at Jeffersonville. The next project supported by the fund was the construction of the Marion County Courthouse. Total expenditure for this amounted to $14,000. Donald Carmony, "Genesis and Early History of the Indianapolis Fund," in *Indiana Magazine of History,* 38(1942) :27-28.

The following statement of the assessments and receipts for revenue since the year 1820, while it affords encouraging evidence of the increase of our means, exhibits an alarming increase of delinquency.

Assessments for	1820,	$14,978 85
″	1821,	23,048 92
″	1822,	33,527 88
″	1823,	37,875 51
″	1824,	44,445 11
Receipts from	same	$12,344 33
″	″	19,682 35
″	″	26,081 15
″	″	27,434 31
″	″	34,022 26

There will no doubt be further payments on the above, but the amount cannot be considerable.

Pursuant to the provisions of the militia law, returns of fines assessed on persons conscientiously scrupulous of bearing arms have been made to this office from the 8th, 9th, 11th, 19th, 30th, 38th, 40th, & 48th Reg'ts. amounting in the whole to $332 50. Of this sum only seven dollars have been paid. A revision of the law on this subject is respectfully suggested so far as to compel punctual returns, and to require the collectors instead of the paymaster, to pay the money into the Treasury.[6]

At the last term of the Marion circuit court judgment was obtained against the late Treasurer for the balance in his hands, amounting to $1,150 78.[7]

I have the honor to be,

SAMUEL MERRILL, Treas'r State.

THE HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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[6] No revision of the militia law was made at this session.

[7] When Daniel C. Lane relinquished the office of state treasurer in December, 1822, he was in arrears in his accounts the sum of $983.60. The difficulty lay partly in the fact that the state bank paper accepted in payment for taxes had depreciated in value by the time it reached the

Proceedings of the House of Representatives Relative to Waiting Upon the Acting Governor[1]

[December 5, 1825]

Mr. Childs presented the following resolution, to wit,

Resolved, That a committee be appointed by the House of Representatives, to act with a similar committee to be appointed on the part of the Senate, to wait on the Acting Governor and inform him that a quorum of both Houses of the General Assembly have met, elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to learn from him at what time he will make such communication, that the Senate be informed thereof, and a similar committee be requested.

Mr. Palmer moved to strike out the words "acting Governor," and insert "The Hon. Milton Stapp, President pro tem. of the senate."[2]

A division of the question being called for by Mr. Howk, the question was taken on striking out, which was decided in the negative.

Mr. Sweetser then moved to postpone the further consideration of said resolution until Thursday next, which motion was also decided in the negative.

The resolution was then adopted.

Whereupon, Messrs. Child, Marshall and Keen were appointed that committee.

. . . .

state treasury. Lane claimed the right to pay the arrearage in the depreciated paper, but Samuel Merrill, his successor, refused to accept it without being authorized to do so by the legislature. Merrill reported that there were also some errors in the accounts of his predecessor which needed correcting. These brought the amount due from Lane to $1,150.78. Suit was instituted against Lane on his bond, by the attorney general. Report of Samuel Merrill, treasurer, December 6, 1823, in Indiana *House Journal,* 1823-24, p. 54; *ibid.,* 1825, p. 46. In 1825 Merrill reported that the suit against Lane was still undecided.

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[1] Indiana *House Journal,* 1825-26, pp. 7-8, 18.

[2] Stapp was elected president pro tem. on the first day of the session. Indiana *Senate Journal,* 1825-26, p. 4.

Mr. Child presented the following resolution which was not adopted, to wit:

Resolved, that the House of Representatives consider Milton Stapp to be acting Governor of the State.

Mr. Beckes presented the following resolution, to wit:

Resolved, That the committee appointed by this House to wait upon the acting Governor, to know whether he has any communication to make to this House, be and they are hereby instructed to wait upon James B. Ray.

The ayes and noes being called for by two members on the adoption of said resolution, are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Baird, Boon, Blair, Burnett, Claypool, Clendenin, Craig, Fitzgerald, Gard, Guion, Gray, Hannah, Hillis, Jackson, Keen, Ketcham, Lewis, Lomax, Lemon, Paddacks, Paxton, Pepper, Reed, Rose, Riley, Stanford, Walker, Wallace, Williams and Evans, speaker—30.

And those who voted in the negative are,

Messrs. Beckes, Child, Daniels, Howk, Johnson, Marshall, Moffatt, Palmer, Posey, Robertson, Richardson, Stewart, Sweetser, Sims and Worth—15.

So said resolution was adopted.

. . . .

[December 6, 1825]

Mr. Blair moved to re-consider the vote of yesterday, adopting the resolution instructing the committee appointed to wait on his excellency the Governor, to call upon James B. Ray, &c. which was carried in the affirmative.

On motion of Mr. Pepper, Said resolution was laid on the table.[3]

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[3] These were among the final attempts of the opponents of Ray to find his assumption of the gubernatorial powers after August illegal, null and void. The newspapers picked up the issue again after the flurry in the House. The Indianapolis *Indiana Journal* (December 13, 1825) contended that the House action to reconsider their original motion to wait on James B. Ray and the vote to lay the resolution on the table was an indication that a majority of the representatives did not feel that Ray had the power to administer the state after August. The Indian-

Proceedings of General Assembly: Election of Governor[1]

[December 7, 1825]

The Speaker of the House of Representatives, in the presence of both Houses, proceeded to open and count the return of votes for Governor and Lieutenant Governor—James Dill,

apolis *Gazette* of December 20, according to the Richmond *Public Leger* (December 31), carried a refutation of this, written, the *Leger* thought, by Ray himself. Unfortunately no copy of the *Gazette* of December 20 can be found today. "The writer [Ray, Wick, or whoever it was]," said the *Leger*, "attempts to make it appear that the House, re-considering their vote directing the committee to wait on Mr. Ray as Acting Governor, did not express any opinion unfavorable to the legality of that gentleman's acts. But aware that his assertion is not proof, he attempts to evade the plain intention of that resolution by saying that it was not their vote on the original resolution appointing a committee to wait on the Acting Governor, that they reconsidered, but an additional one. Unfortunate evasion! For by reconsidering the last resolution, they almost expressly say that Mr. Ray is not Acting Governor. This additional resolution is the very gist of the subject; the original one contains not the least intimation that Mr. Ray was, constitutionally, the Acting Governor."

Whatever the personal sentiments of the legislators may have been, on the next day after the House voted to reconsider, they joined the Senate in opening and counting the vote for the governor and lieutenant governor, pronounced Ray and Thompson to be duly elected, and appointed a joint committee with the Senate to wait on them as officers elect. Ray then appeared before both houses and delivered his inaugural address given below. Indiana *House Journal*, 1825-26, pp. 23-26. The Indianapolis *Gazette* continued the defense of Ray. See issues of January 20, February 14, April 19, 1826.

In the Senate the jarring note was not in regard to the question of Ray having served illegally in the past, but rather in regard to the question of his eligibility to the office to which he was elected. Dennis Pennington moved to add to the resolution to appoint a joint committee to inform the Governor of his election the following: ". . . whereas, it is reported, and great doubts do exist as to the elegibility of the said James B. Ray, Governor elect, as to age; and whereas the General Assembly do not wish to jeopardize the interest of the state, subject to future investigation; and whereas, each member being sworn to support the constitution of the state: Therefore, Resolved, That said committee be requested at the same time to ascertain of his Excellency James B. Ray, Governor elect, evidence of his age, and report the same to their respective houses." This did not carry. Indiana *Senate Journal*, 1825-26, pp. 12-13.

[1] Indiana *House Journal*, 1825-26, p. 23.

Secretary of the Senate, and Henry P. Thornton, Clerk of the House of Representatives, acted as tellers: and after counting the returns from the following counties to wit: Dearborn, Jackson, Scott, Switzerland, Greene, Hendricks, Dubois, Vanderburg, Wayne, Franklin, Pike, Crawford, Ripley, Daviess, Henry, Shelby, Fayette, Gibson, Perry, Harrison, Vermillion, Warrick, Monroe, Hamilton, Floyd, Washington, Parke, Spencer, Rush, Vigo, Orange, Martin, Clark, Knox, Morgan, Decatur, Marion, Madison, Jefferson, Montgomery and Johnson, it appeared that for Governor, James B. Ray had 13,040 votes—Isaac Blackford for the same office, 10,418 votes; scattering, 12 votes. For Lieutenant Governor, John H. Thompson had 10,781 votes; Samuel Milroy for the same office, 7,496 votes; Dennis Pennington for the same office, 1,496 votes; Elisha Harrison for the same office, 1,434 votes; General W. Johnston for the same office, had 851 votes; scattering, 84 votes.[2]

Mr. James B. Ray having received the highest number of votes given, was, by the President pro tem. of the Senate, in the presence of both Houses, declared duly elected Governor of this state for the term of three years from this day.

Mr. John H. Thompson having received the highest number of votes given for Lieutenant Governor, was by the President pro tem. of the Senate declared duly elected Lieutenant Governor of this state for the term of three years from this day.

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[2] Votes were not received from eleven counties: Allen, Bartholomew, Clay, Jennings, Lawrence, Owen, Posey, Putnam, Randolph, Sullivan, and Union. See *post,* 98-99n.

FIRST ADMINISTRATION

1825-1828

Ray: Address to General Assembly Upon Announcement of His Election as Governor[1]

[December 7, 1825]

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES,

On meeting the Representatives of the people of Indiana at this time, in virtue of a call by the free suffrages of the state, emanating from the warm bosoms of an undesigning and honest people, to undertake the duties of its Executive Office, I would be destitute of those noble sensations that on such occasions, actuate a grateful heart, to depart from example, and neglect to avail myself of your presence, to express my profound thanks to a virtuous and enlightened community, for the distinguished manner in which they have been pleased to honor me; and to make a sincere acknowledgement, that I approach the place allotted to me, with that awful sense, which the magnitude of the undertaking inspires.

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[1] Indianapolis *Gazette,* December 13, 1825. This address is one of Ray's most verbose and flowery. Neither the *House* nor *Senate Journal* carried it. The secretary of the House recorded that the Governor addressed the Assembly "in an elegant and appropriate manner," while the *Senate Journal* merely stated that he delivered an "appropriate address." Indiana *House Journal,* 1825-26, p. 26; *Senate Journal,* 1825-26. p. 14. It aroused ridicule on the part of the opposition which probably reached its peak in the Richmond *Public Leger,* December 31, 1825. The attack is done in dialect and signed Joe Ebony. Finding that the Governor's regular message to the General Assembly (printed below) put him to sleep, Joe tried the inaugural. "dis be short, sed I; and *mirabile dictu,* (niger kno latin, caze he herd em afore,) me run him all ober, but me tink him no classic. Wat! Guberner rite dis! no! den he be no gimmarian, no pooty riter; yes! niger beat him. His sentence be too long; my, niger git out of breath fore he get thro. . . .

"He no speak perspicus; wat he meen by somethin 'descend with me beyond the vale?' 'The admitted fact that more, &c.' Black man aks, admitted by hoom? He say his '*feeble* abilities:' he need no telle dat. He say toder Guberners 'are as lights to my path, whilst I work my way through the troubled elements, &c.' me tink dis bunglin figer. He say 'I *fear* that it will be my misfortune, in common with mankind, to err:' me gess he be like oder men, don't no. . . ." And so on for another half column.

The admitted fact, that more experience and superior merit might have been called upon to guide the helm of state, can have no other influence with me, than to cause me to feel under additional obligations to my country, and to increase my faithful endeavors to discharge the arduous duties of the place assigned me, to the satisfaction of the public.

The authority which has been recently reflected upon me, fresh from the hearts and judgments of sixteen thousand electors, acting in their sovereign capacity, I promise before you, as public witnesses, assiduously to exercise, according to our constitutions and our laws, and according to the best of my feeble abilities and understanding.

Let me assure you that I[am] not a little cheered by the reflection that the examples of those virtuous and enlightened statesmen who have preceded me in this department, will be as lights to my path, whilst working my way through the troubled elements which I am destined to encounter.

I am also peculiarly felicitated by a belief, that if the recent political struggle which gave me success over a respectable competitor, has engendered improper feelings, that they have, in a great measure, ceased to exist since the people, in their majesty, expressed their unbiassed and dispassionate will. Indeed, it would be laying an axe at the root of first principles in a republican government, which so well deserves our esteem and love, not to acquiesce in, or to resist that authoritative voice, which legitimately controuls the whole destinies of man, within the rules of our inimitable charters.

Believing that infallibility belongs only to the regions of the skies, I fear that it will be my misfortune, in common with mankind, to err, but not intentionally; and I expect, like all public men, to be often charged with error, by those who may be unwilling to examine into the grounds of my motives and conduct. But delighted with the idea, that for all my frailties, I can claim the high privilege of being arraigned and tried at the impartial bar of public opinion, where justice and charity always assert their office, I have no fears that a senttence will pass against me *of confidence violated.*

From the wisdom, intelligence and patriotism of the people's representatives, and all the departments of the government, I will expect to derive great assistance and much valuable information; relying upon the maxim, that in the multitude of good counsel there is safety. And it will at all times give me joy to listen to the voice of reason, let it proceed from whence it may. The philosopher and great man, are often found in humble mien and circumstance, as dressed in the gaudy equipage of gayest courts.—Wherever I can see light I will embrace it, without enquiring from what body it was emitted. My acquaintance with human concerns, leads me to the conclusion, that all ought to stand upon an extended level, entitled to *equal privileges* and *respect,* only when they forfeit them by bad conduct.

If, to entertain the most exalted opinion of our republican form of government, which for its pre-eminence commands the admiration of the world; if to wish that our benign christian religion may triumph over superstition and idolatry in every quarter of the globe; if to be a warm advocate for religious liberty in these realms of freedom, that all may enjoy their own opinions and worship the Supreme Being in their own way, according to emotions of conscience without being subject to fines or forfeitures, or any other restrictions; if to be solicitous that the American government may maintain a lasting peace with all the world upon honourable terms, that slaughter, desolation and national poverty may be avoided; if to wish for a well organized militia as the surest means of preserving amity with all nations, and the best antidote against the necessity of large standing armies, that greatest of curses to a republic, and the most dangerous of all machines to popular institutions; if to be solicitous to support the constitution of the United States, and the constitution of the state of Indiana in all their vigor, or [are] the only sure method of preserving the rights and liberties of the citizen; always considering correct intelligence, as the soul of liberty and as the strongest pillar to a permanent independence; if to exert myself as far as within me lies to provide means for the dissemination of useful information; if constant labor in the public service, and a zeal to acquire the character of a useful public servant, will have the slightest tendency to give a correct direction to public opinion and to aid the operations of the government or its essential interests, I will at all times experience a delicious source of consolation in contributing my mite, and in my toil, to consummate these my wishes.[2]

That purity and virtue may characterize the acts of public servants, to scrupulously avoid the slightest interference with the liberty of the press or the freedom of speech, so dear to freemen and obnoxious to tyrants; to maintain in their full energy those priceless constitutional provisions which secure to the citizens the right of acquiring, possessing and enjoying property, the right of trial by jury, and the writ of Habeas Corpus, which have been purchased by the blood of our fathers; to preserve the natural and absolute rights of individuals as well as those of a personal and relative character, that harmony and good faith may exist amongst men; to encourage the arts and sciences and a liberal system of education, that all classes of the rising youth both rich and indigent, may have an equal chance for a place in the temple of fame; to pass laws to ameliorate the condition of the hapless poor; to give an impulse to home manufacturing, as the best money retaining policy; to devise the most efficient plans for the internal improvement of that state, as the best means of shortening distances, saving time, labour and money, placing us upon equality with our sister states and populating enriching and aggrandizing our own; to release the public debt as soon as practicable; to lighten the burthens of taxation as soon as the increase of population and resources will justify it; to manage the finances of the state with economy; to be governed in all of our deliberations, and in the exercise of every duty by the strict principles of justice reason and impartiality, with out feeling the influence of local prejudices; to dismiss all our predilections in favour of the East, West, North, or South, and legislate for all alike; to bury in the tomb of forgetfulness every feeling that may savour of party spirit, envy or private interest; to erase from our recollections our political hostilities and private animosities; to be deeply impressed with the precious truth that without union our efforts will be unfruitful; to feel that all the departments should willingly cooperate for the general good; and like men who owe a responsibility to God and their country, to suffer all of our acts to be visibly marked with coolness, with temperance, with indulgence and with judgment, cannot fail to identify us with the best interests of the state, and to secure to us, amidst the revolutions, and even in the adversities of life, the most pleasing recollections.

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[2] This paragraph brought forth the following from Joe Ebony, cited in the preceding note: "Me wonder how he speak em widout faintin for breath—dare be only two sentenc in de one hole column. He gin wid an *if,* and den he sa if &c., if &c., if &c., and so mos choke him wid so many *if*; and de nex sentens be like unto him. Joe tink someting great comin wen he sees dese; bit twas notin a tall wurt readin."

I will enter upon the duties of this office under circumstances more discouraging than those which surrounded my worthy predecessors, who were called to the chair by the undivided voice of the people, which enabled them to sail over a calm sea. But if while I am acting my part on this conspicuous theatre, where every step is closely scrutinized by the keen exploring eye of state, I can hear the approving echo of public sentiment and carry my country's confidence with me in retirement, besides being amply compensated, it will afford me through life an unabating comfort, which will descend with me beyond the vale.

Expecting that I will never occupy a more exalted situation amongst men, and feeling as if my ambition ought to be at rest under the high compliment confered upon me; I am resolved to be devoted to the glory & prosperity of the state & the happiness of its inhabitants. As a portion of her soil is of the latitude and longitude that gave me being, it is natural for me to feel the pride of country, and that there is no reasonable sacrifice that I can make which will be too great, if it will ultimately have the tendency of causing her to stand high in the American constellation of states.

Aware of the axiom deemed of such intrinsic value by the enlightened patrons of civil liberty, that too much caution cannot be manifested to keep all the departments distinct and separate, that they may be as checks upon each other, I am resolved in exercising the mass of powers belonging to the Executive department, to observe with precision the delineated boundaries marked out in the constitution, and to watch with jealousy any encroachment of the spirit of power, by either of the others. Such ought to be the vigilance of the other departments.

Under the influence of these sentiments and with a firm hope that a free and independent press may expose us all when we do wrong, commend us when we do right and extenuate nothing out of fear or favour, I implore the continued smiles of a gracious Heaven to bless our land, and to aid us in our desires to make "the wilderness blossom as the rose."

JAMES B. RAY.

December 7, 1826 [1825].

Ray: Message to the General Assembly[1]

[December 8, 1825]

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES,

With a lively and grateful sense, let us first acknowledge the Supreme goodness of an Almighty Providence for the numerous instances in which he has peculiarly favoured our Land.

Permit me to embrace this opportunity to congratulate you upon the prosperous situation of our country, and the favourable auspices under which you have assembled. Our common country is in the full enjoyment of peace and that portion of prosperity and happiness which our liberal institutions are calculated to ensure; the productions of our soil have ensured the warmest hopes of the agriculturalist; our citizens during the past year have generally enjoyed an unusual portion of health; the accession to the population of our state during the past season by means of emigration has exceeded all former example; the resources of the state are gradually developing, and our finances are improving with a rapidity that answers our most sanguine expectations. But while we indulge ourselves in a gratifying review of the past and in a pleasing contemplation of our present and future situation, let us not forget that unfeigned thankfulness and gratitude are *continually due to "Him"* from whom all blessings flow for these signal manifestations of his divine and beneficent regard.

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[1] Indiana *Senate Journal,* 1825-26, pp. 18-31. Also in *House Journal,* 1825-26, pp. 33-46.

Although the fertility of our soil and the variety of its productions, aided by the industry and economy of our citizens, after supplying an abundance for a rapidly increasing population, and placing all above the fear of want, furnish a large surplus of produce for market, yet the uncertainty of our only attainable market and the difficulties to be surmounted, and expense to be incurred, by a large portion of our citizens in reaching that market, prevent them from realizing those advantages which their situation and circumstances would otherwise command, and operate as a dead weight upon the industry and enterprise of the State.

For a long period previous to the late war, the continued struggle for power in Europe, called immense numbers of their hands from the plough to fill their armies. Agriculture was neglected, whole countries were overrun, and the people as well as the armies were in a measure compelled to look to the United States for a considerable portion of their subsistence. American produce found a ready market in every port in Europe, and the high prices which it commanded, enabled the Farmer in every part of the country to incur the expense of a difficult and tedious transportation, and yet to realize a handsome profit upon his labour. Nor was this prosperous state of affairs materially changed by the commencement of the late war, with Great Britain. In consequence of the war, large disbursements of public money were made by the General Government in every part of the country; a general rage for speculation was excited—numerous banks with a fictitious capital were established; immense issues of paper were made and the circulating medium of the country was increased four fold in the course of two or three years. A natural consequence of this great increase of what was then deemed equivalent to money, was that a fictitious value was placed upon labour, and every species of property; the estimate upon every thing was in reality a deception—a specious fraud upon the world; money, *as it was then called,* was easily acquired, and the people too generally, and too easily indulged in visionary dreams of wealth and splendour.

But this state of things could not last: the general pacification of the old world, and the consequent disbandment of their numerous armies again tenanted their long uncultivated fields; agriculture was so far encouraged, that every nation on the continent produced an ample supply of the necessaries of life, for their own consumption, and our American produce, could no longer find a market in that hemisphere. About the time that the nations of the East assumed their pacific attitude, peace was concluded between this country and great Britain; the extraordinary flow of money from our treasury was discontinued; our army was reduced; the newly created banks, began to fail;—specie disappeared—the fictitious circulating medium of the country became trash in the hands of the people—wages and every species of property suffered an unprecedented depression in their value, and the industry of the country suffered a shock, from which in many places it has not yet recovered. The evils and embarrassments too, of this sudden change were more severely felt in the grain growing states,[2] than in the South, as the planter has still been enabled to find a market for his cotton, sugar and tobacco.

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[2] For a discussion of the depression following the War of 1812 in the West, see R. Carlyle Buley, *The Old Northwest. Pioneer Period, 1815-1840* (2 vols. Indiana Historical Society, 1950), 1:519 ff.

To find a remedy for the pressure which operated so severely upon the agriculturist, in consequence of this sudden depression in the market, has occupied the attention and called forth the exertions of the best talents of our country; and the remedies that have been adopted and pursued with so much success in other states, may advantageously be referred to, in considering of the means to be adopted for the amelioration of the condition of our own citizens.

In some of the states, a part of the capital which had formerly been successfully employed in commercial enterprise, has been employed in manufacturing establishments, by which large numbers have been withdrawn from the pursuits of husbandry and a home market created for a great portion of the surplus produce of the Farmer.

In other states, in addition to the establishment of manufactories, large portions of the dormant capital of the country which had been withdrawn from mercantile pursuits, now no longer profitable, has been called forth and put into active circulation among the people in works of internal improvement. In many of the states these remedies have been completely effectual; the cry of "hard times" is no longer heard and a new impulse has been given, and new resources have been opened, to the industry and enterprise of the citizens.

The state of Ohio having become sensible of the advantages to be derived from the prosecution of a system of internal improvement has recently commenced the construction of two Canals, one of which is to open a communication between the river Ohio and Lake Erie. By this enterprise her citizens will be at once benefited, by the expenditure among them of large sums of money, furnished by Eastern capitalists. Employment will be found for large bodies of her citizens, who have heretofore been unprofitably engaged in the cultivation of the soil; a new and advantageous market will be opened for the surplus produce of the country, and a stupendous public work will be completed, which will be a permanent source of revenue to the state; besides leaving upon the pages of American history an instructive and illustrious demonstration of the energy and public spirit, of a free and infant republic.

This taken in connexion with the great artificial channel in New York, which the thunder of a thousand pieces of artillery has just announced as finished, cannot fail to give the North an advantage over the tropical climes.[3]

The citizens of Indiana are still laboring under the difficulties produced by the causes to which I have alluded: and their relative situation with regard to markets, and the difficulties to be encountered, and the expense to be incurred in reaching their only approachable market, fluctuating and uncertain as it is, afford but small inducements to individual exertion and enterprise, as yet, in comparison with inducements and facilities, that are presented in some of our sister states, where the languishing industry of the country has been revived, by the prosecution of public works, to a successful issue.

Let us for a moment cast our eyes on a map of our own state, and examine the natural facilities for improvement, which are there obviously and impressively presented to view. The Wabash is a stream of great length: It runs through some of the most fertile portions of the state, and with the exception of the rapids near the mouth of White river, is deemed navigable for steam boats, during most of the seasons as far up as the mouth of the Tippacanoe: But these falls render the navigation of the river impracticable for a large portion of the year. This obstruction is situated upon that part of the river which forms the common boundary between this State and Illinois; and from a correspondence which I have had with the Governor of that state, I have the satisfaction to inform you, that he tenders us every assurance, that the state of Illinois is willing to co-operate with this state in any measure that can be agreed upon, to remove this impediment in the stream.

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[3] The completion of the Erie Canal was announced by cannon placed along the line from Buffalo to Sandy Hook. The first boat to traverse the canal began its trip October 26, 1825. A. Barton Hepburn, *Artificial Waterways of the World* (New York, 1918), 49, 52.

The navigable parts of the Wabash and the Maumee of the Lake, approximate very near to each other. By means of a canal of about twenty-eight miles in length, commencing at the junction of the St. Mary's and St. Joseph's, and terminating at the mouth of Little River on the Wabash, the navigable parts of those two rivers would be connected, and an uninterrupted water communication opened between the cities of New Orleans and New York, with the exception of the rapids before mentioned, in the Wabash, and the rapids situated near the mouth of the Maumee. The obstruction in the Maumee, which may be easily obviated, is situated in the state of Ohio, and must claim the early attention of that state, as it is in contemplation to extend the Dayton canal to a point on the Maumee above the rapids.

It will not for a moment be contended that the resources of this state are as yet equal to the accomplishment of works of equal magnitude with those in New York, Pennsylvania or Ohio; but, including the grant of land made by Congress, the waters of the Wabash and the Maumee can be made to mingle, and the aforementioned obstructions can be removed, at an expense not exceeding the one twentieth of the amount of capital employed in Ohio. May we then not indulge the hope that at some day not far distant, this almost natural channel of communication between the East and the West will be opened, and a great commercial thoroughfare established through the interior of our state; that we may witness with delightful sensations the various products of all countries, securely freighted in vessels floating upon its bosom.

The law of congress, approved, May, 1824,[4] authorising this state to open a Canal through the public lands, to connect the navigation of the river Wabash and the Miami of the Lake, seems to have been predicated upon a belief, that the Indian title to the lands through which the proposed canal would pass, had already been extinguished. It is ascertained however, that the Indian title to a principal part of the lands through which the canal must necessarily pass, has not yet been obtained by the General Government, consequently it is doubted whether this state can, without a violation of the rights of the natives, as acknowledged and recognised by the Federal government, proceed to survey and mark the route of the proposed channel, for the purpose of availing herself of the donation under the provisions of the law of Congress, until these claims are quieted.[5]

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[4] U. S. *Statutes at Large,* 4:47-48. The act authorized the State of Indiana to survey and mark the route of a canal through the public lands of the United States to connect the Wabash River with the Miami of Lake Erie. It also provided that ninety feet of land on each side of the canal should be reserved from sale by the Federal government, "and the use thereof, forever, be vested in the state aforesaid, for a canal. . . ."

From authentic representations by those acquainted with the Indian affairs, it is believed that the Indians are inclined to dispose of their right of soil in that quarter of the state. It is therefore submitted to your consideration, whether a proper representation of this subject ought not to be made to our representatives in congress, accompanied with a request to endeavor to procure an extinguishment of the Indian title to these lands.[6] And should we conclude to accept of the proposition of the General Government, it will be necessary to pass a law, authorizing the survey at as early a day as practicable.

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[5] See Ray to Ewing, December 22, 1825, below. Ray had written to the President in November on the subject of the removal of the Indians from Indiana. See *ante*, 57-58, and the reply of Secretary of War Barbour, *post*, 116.

[6] John Ewing, chairman of the select committee in the Senate, appointed on so much of the Governor's message as pertained to the improvement of the navigation of the Wabash River and a Wabash-Miami canal, made a long report on the subject which was spread on the *Journal* (pp. 110-15). He stressed the benefits to the state of such a project. The report opened with a statement "that your committee believe this state can enjoy certain progressive prosperity, upon the same terms only, as it is enjoyed by other states, and, that she does not enjoy a larger share at this time, may be accounted for in part by the fact, that the unspeakable benefits of trade, and its attendant blessings have been attracted and enjoyed by her neighbor, while she has been forced, under many disadvantages, to participate very partially, and exposed to comparative uncertainty and expense." "The products of the west can find their only outlet at present in New-Orleans, and that market, even now is so often glutted, that our citizens sacrifice their fortunes by seeking it, as many of them do their health by the ravages of the climate." "The well established fact, that eastern markets afford at least one fourth more for our staple articles above that of New Orleans,

From the prevailing sentiment in favour of internal improvements, manifested by every department of the General Government, I think there is good reason to believe, that if the subject is brought before Congress at their present session, a grant of lands and privileges, much more liberal and beneficial could be obtained for this important purpose, than those contained in the act above mentioned.[7]

The policy of opening a canal at the falls of the Ohio, has for some years, been undergoing the ordeal of public investigation, and it is but reasonable to suppose, that at this time, public opinion is prepared to respond to the question. It is not contended that this canal is of general interest to the state, except as a permanent and productive source of revenue; although a very respectable portion of our citizens are immediately interested in the great facility it would afford them, in the navigation of the Ohio; but it should be remembered "that a benefit to one part of the state, without an actual deprivation to the other parts, is a benefit to the whole." It is certain that works of this magnitude, should never be undertaken without the approbation of public opinion, for no act of the Legislature can ever be permanent or beneficial, when the settled determinations of the country are arrayed against it. When we consider the large sums which are annually paid

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admits of dispute, and a calculation of this, with a certain reduction of the price of our staples, would soon refund the whole expenditure." He estimated the cost of the project at about $500,000, which he felt would be paid off in a short time by tolls.

Ewing's committee presented two bills, one providing for the improvement of that part of the Wabash over which Illinois has concurrent jurisdiction, and a bill providing for exploring a part of the river Wabash and creating a canal to connect the navigation thereof with the waters of the Miami of the Lake. Indiana *Senate Journal,* 1825-26, p. 108. Neither bill passed.

[7] A joint resolution and accompanying memorial was passed, asking for the extinguishment of the Indian title to the land along the proposed canal route, and a revision of the 1824 act which would extend the time in which the state was permitted to act and grant additional lands for the construction of the canal. *Laws of Indiana,* 1825-26, pp. 90-91.

for transportation around the falls of the Ohio, the active, extensive, and increasing commerce carried on by means of that mighty river, and the immense value of the water power for machinery, that would be acquired by the construction of the canal, we are forced to appreciate its utility. We cannot refrain from fixing a high estimate upon this particular spot of ground, within our jurisdiction, when we reflect that so small an improvement, will enable us to demand a tribute from the head of navigation on the Ohio, to the mouth of the Mississippi; and when the Ohio canal is completed, we may expect a brisk trade from Canada to Europe; which will sufficiently indicate the importance of the work. Should you be satisfied that the public voice sanctions this project, and that the state of Kentucky will forbear to rear up a ruinous competition, by the completion of a similar work on the other side of the river, you will have but little difficulty in coming to a conclusion favourable to the commencement of this long agitated work. The whole length of the canal will be about three miles, and the expense is estimated at about three hundred thousand dollars; and when the vast amount of property which is annually transported on the Ohio, is taken into consideration, and compared with the amount transported on the New-York canal, it is believed that there will be but few who will withhold their assent to the opinion, that there is no point in the western country, where an equal profit could be derived, from the expenditure of the same amount of capital, provided we could be permitted to enjoy it without competition. To raise the necessary funds for the completion of such works, by a system of taxation, would be impracticable: the people could not sustain the pressure.—Pursuing the course of other states on similar occasions, the money might be raised by loans, and means provided for the regular payment of the accruing interest.[8]

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[8] Indiana lost out on the Ohio Falls Canal. The Louisville and Portland Canal Company was incorporated in 1825 with a capital of $1,000,000. The canal was built on the Kentucky side and opened in December, 1830. It was a spectacular financial success. Buley, *The Old Northwest,* 1:436.

As connected with this subject, I cannot forbear the mention of a warm solicitude which is manifested by the citizens of the eastern part of this state, for the construction of a canal from Lawrenceburg, on the Ohio, to Fort Wayne. They have already taken steps to procure a survey of the route, and it is understood have received assurances from a most respectable source, that the funds necessary to complete the work, can be procured from some of the eastern cities, so soon as a charter of incorporation sufficiently liberal in its provisions can be procured from the Legislature of this state. As it is understood that this project has no design upon the public purse, and as the completion of the work will be of great and unquestionable utility, it is believed that no objection will be urged against granting a charter, as liberal in its principles as may be consistent with the policy, constitution and laws of the state. Our state pride should incline us to give an impulse to designs of this useful character, so eminently calculated to give us that standing in the Union to which we aspire.[9]

The commissioner appointed by the last General Assembly to examine the obstructions in the two White rivers, and report the same, together with an estimate of the expense of their removal, to this session, has entered upon that duty, and in due time will lay before you the result of his examination.[10]

The two White Rivers and their tributaries, water a very considerable portion of the state, and at certain seasons of the year, are navigable nearly two hundred miles from their junction with the Wabash. It is believed that these obstructions may be removed, and the navigation rendered comparatively secure, at an expense within the present means of the state; when they will prove valuable auxiliaries to the exporting citizen. This subject ought to claim the undivided attention of the Legislature.[11]

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[9] An act incorporating the Whitewater Canal Company was passed at this session. *Laws of Indiana,* 1825-26, pp. 29-36. For further progress, see *post,* 133-35.

[10] The commissioner, Alexander Ralston, made his report on December 13, 1825. He completed the survey of the West Fork, but was unable to examine the East Fork due to illness. In his report on the West Fork, he gave $1,460 as the estimated cost of preparing the river for the navigation of flat-bottomed boats. MS. in Indiana State Library; *Laws of Indiana Territory, 1809-1816,* edited by Louis B. Ewbank and Dorothy Riker (*Indiana Historical Collections,* Vol. 20, Indianapolis, 1934), 47-48.

I have said this much on the subject of internal improvements, because it seems to be demanded by the general necessity and spirit of the times. Canals for facilitating the means of commercial intercourse, between distant points, are of acknowledged utility, as means of giving a new impulse to the agricultural and manufacturing interests of the country, and improving the finances of the state, besides giving life and animation to the whole body politic. But schemes of this kind should not be hastily entered into, merely from a spirit of emulation, or a thirst for ephemeral glory. We should be satisfied that the extent and commercial importance of the navigation to be connected or improved, are sufficient to place *beyond doubt* the success and public utility of the work. When satisfied on these points, the means of the state may be safely employed.—The interest of no community can ever be jeopardised by borrowing money under these circumstances, to expend upon permanent and imperishable works of public utility for the internal improvement of the country, which is a common benefit to all, when it is reduced to a reasonable certainty that the profits arising from such improvements, will annually exceed the interest of the sum expended, and gradually extinguish the principal. It is this policy alone, which will enable us to enjoy in an ample manner, the numerous advantages with which nature has surrounded us.

It has been generally expected that during the present season the *National Road* would have been permanently located through

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[11] An act to improve the navigation of the East and West forks of White River was passed at this session. It provided that supervisors be appointed in the counties of Washington, Jackson, Bartholomew, Marion, Morgan, Owen, Greene, and Hamilton who in turn were to call out workers to remove obstructions in the river. Persons living within two miles of said rivers who were bound by law to work on the public highways for three days a year were liable to call for this labor in clearing the rivers instead. *Laws of Indiana,* 1825-26, pp. 17-18.

Indiana; but circumstances have disappointed our wishes. As this road proceeds towards the setting sun, we feel an increased anxiety that it may be completed as soon as possible through this rising state. Under the influence of these feelings, and with due deference to the wisdom and good motives of Congress, and to the zeal and industry of our own members, allow me respectfully to submit to your consideration, whether a memorial to that body, expressing the hope which we entertain, that *respectable annual* appropriations will be made out of the national treasury, towards the continuation of that grand turnpike, would not furnish our Delegates in Congress with materials that would enable them to operate successfully in this matter in our behalf, besides having a happy influence upon that interesting question.[12]

By virtue of the compact entered into between this state and the United States, three per cent. on the sales of all public lands within our boundaries, was granted to this state, to be applied, under the direction of our Legislature, to the making of *Roads* and *Canals* within the state.[13] At the session of 1821-2, the Legislature passed a law authorizing the location of a number of Roads and appropriated One Hundred Thousand Dollars of the three per cent. fund for opening the same. At that time there was due to the state on that fund upwards of Forty Thousand Dollars, and the law provided for a dividend and expenditure of the residue of the sum appropriated as it may accumulate. It is well worthy of inquiry, whether the large expenditures that have already been made have answered the expectations of the public? Whether large sums have not been paid to numerous commissioners for services that could as well have been rendered by one third of the number employed, and at little more than one third of the expense? Whether a number of the roads opened under the provisions of the law, are not entirely useless to the public, and even suffered to become altogether impassable by a second growth, and neglect to keep them in repair? Whether the whole of the fund can be appropriated for an indefinite period, exclusively to *Roads,* when *Canals* are embraced in the compact? If you should think it expedient to continue this law in force any longer, it is respectfully submitted to your consideration whether it would not render the fund more effective, to reduce the number of commissioners, and change the provisions of the law, so as to prohibit a division of the fund amongst the several commissioners until a certain amount had accumulated, and to extend the scale of appropriation to other sections of the state, which have been settled since the passage of the law?[14]

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[12] The Assembly did pass a memorial to Congress on the subject of the Cumberland Road. Indiana *Senate Journal*, 1825-26, pp. 188-89, 197, 201. Senator Hendricks reported on May 13, 1826, that the road was progressing, and would be laid out west of Columbus that summer and might reach Indiana by the end of the year but certainly would not be completed through the state during 1826. Esarey (ed.), *Governors Messages and Letters*, 3:341.

[13] The statement of the condition of the fund, December 1, 1825, was made to the Assembly by Christopher Harrison, agent. It is in the *House Journal*, 1825-26, p. 160. It showed that the fund had received from the Federal government up to this time $72,748.12, that the agent had paid out to the road commissioners, $71,317.46, on which drafts amounting to $67,538.50 had been paid, leaving a balance owing of $3,783.96.

In obedience to the resolutions of the last General Assembly inviting General Lafayette to visit this state, and requesting the Executive and citizens to "receive him with the honors due to the illustrious Guest of the State and Nation," I proceeded, in conjunction with many of our distinguished citizens, to the town of Jeffersonville, where he was welcomed to our soil in such a manner as was thought most consistent with the character and circumstances of the state.[15] The resolutions authorized the Governor to draw on the contingent fund for the payment of the expenses incurred; and the committee of arrangements have reported to me that the whole expense amounted to the sum contained in the accounts and vouchers which are herewith respectfully submitted for your inspection.[16] This reception of the "filial disciple of Washington," and friend of America and rational liberty throughout the world, was, it is hoped, congenial to the wishes and feelings of the General Assembly, and under the joint counsel of many who stand high in public esteem, was conducted with an eye to economy and a decent respect for the character of the state. If it were the object of the resolution to maintain the honour of the government, and barely make a public acknowledgement of our gratitude to a national benefactor, *with true and genuine republican simplicity,* that end has been accomplished. That I had the honour in conjunction with so many of my fellow citizens to greet the presence of this illustrious veteran in the cause of liberty and our country, and to express to him our unalterable sentiments of gratitude and admiration, will ever be a source of the most grateful recollection.

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[14] No revision of the road law was made at this session to incorporate the changes recommended. Appropriations were made from the fund for a number of new roads. See *Laws of Indiana,* 1825-26, pp. 74-76.

[15] See *ante,* 33-35.

By the 4th section of the 9th article of the constitution of this state it is made the duty of the General Assembly "as soon as circumstances will permit," "to provide one or more farms to be an *Asylum,* for those persons who by reason of age, infirmity or other misfortunes, may have a claim upon the aid and beneficence of society on such principles, that such persons may therein find employment and every reasonable comfort and lose by their usefulness the degrading sense of dependence."

The uniform silence of our legislature on this subject, is sufficient to induce a belief that this benevolent provision has not yet received that consideration to which it is entitled. Few things are better calculated to ensure us that honourable elevation to which our young state aspires, than for the world to witness the representatives of our free population, in the exercise of their high functions, engaged in laying a foundation that will guarantee comfort and happiness to the unfortunate poor. It is the poor and needy that can justly claim more of our deliberations than the affluent, whose wealth sets legislative interposition at defiance. Viewing the construction of an Asylum or Asylums, as institutions, in which the citizens of all the states by some unhappy accident may be doomed to participate; and as there is yet, within our limits immense tracts of waste lands belonging to Congress, we ought not to suppose that an application to that body for a small tract of land to aid this philanthropic design, would be unsuccessful.

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[16] See Ray's communication to the Speaker of the House, December 13, 1825, and record of disbursements under the contingent fund, January 11, 1826.

The existing law for the support of the poor, though perhaps as good as any that could be devised under the existing system is radically defective in the principles of humanity to the unfortunate, as well as in economy of expenditure.[17] These unhappy objects of public charity are sold like merchandize or cattle in a public market to persons who are generally induced to become their purchasers from motives of *gain* or *avarice,* rather than humanity and benevolence, and the public charity thus offered, is often made a curse instead of a blessing. To me this practice seems degrading to our character as a christian people. Instead of lessening the sense of dependence as is contemplated in the humane provisions in our constitution, such a mode of relief is calculated to *lacerate* anew the already wounded sensibility, to increase the sense of degradation, and changes the unfortunate dependent from an object of public charity into a means of *private speculation.* That this system is defective in point of economy, will at once appear obvious, by refering to the items of expenditure in the several counties in this state which I will endeavour to procure and lay before you. It is submitted to your consideration, whether the spirit of the above provision of the constitution cannot be carried into effect efficiently, by dividing the state into districts of counties, or larger, and making provisions for the establishment of an Asylum in each, where under the care of a single superintendant, made responsible for his conduct, the poor, deaf, dumb and unfortunate of the district may be collected; and those of them, of capability occupied in some useful employment contributory to their subsistence. It is believed that upon this system the poor can be maintained at an expense little exceeding one half of that which is paid by the people under the present system, besides affording abundantly the milk of human kindness.[18]

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[17] For the act governing the relief of the poor at this time see *Revised Laws of Indiana,* 1824, pp. 278-84. By it two overseers of the poor were appointed in each county by the board of commissioners whose duty it was to farm out persons who became public charges under contracts which were "best calculated to promote the general good." Minors who became public charges were apprenticed.

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[18] Even the anti-Ray Indianapolis *Indiana Journal* (December 13, 1825) favored the Governor's remarks on this subject. "A law corresponding in many respects with the views of the Governor, was introduced at the last session, and was lost on account, as we believe, of a misapprehension with regard to its utility, and a belief that it would be more expensive and less equitable than the present mode. We do not believe in the propriety of establishing an asylum in each county, because the expense of building so many houses and employing so many keepers, would be enormous; but if there were one, two, or three state asylums established, and managed in a proper manner, we apprehend it would be much better for the poor, the aged, and the unfortunate, and less expensive, than the method now pursued. . . ."

The Senate committee to whom the matter was referred, John De Pauw chairman, reported favorably to the question of establishing asylums and recommended that a bill be reported "providing for the purchase of one quarter section of land with moderate improvements thereon within each judicial circuit, with such other provisions as may be necessary to carry into effect the humane principles of our constitution alluded to by the Governor. . . . *Provided*, The cost of said quarter section of land shall not exceed three hundred dollars. . . . " Indiana *Senate Journal,* 1825-26, p. 84. This resolution was amended to read: "for dividing the state into three districts, in each of which a farm shall be purchased, with such improvements thereon, and with such provisions as may be necessary to carry into effect the humane principles of the constitution. . . . " *Ibid.,* p. 86. Later in the session De Pauw reported a bill to provide three asylums in the state which was read twice and postponed until the next session. *Ibid.,* p. 180.

The Governor's recommendation fared even less well in the House. The select committee to whom it was referred reported unfavorably to begin with. The committee felt that in older more thickly populated countries where the poor were numerous such asylums were proper. But not in Indiana: " . . . it is just in the vigor of youth, its population is not at present, nor will it be for many years to come, inconveniently crowded; the means of subsistence are abundantly and easily obtained. . . . Comparatively speaking, we can scarcely be said to have any paupers. The proportion is less than one to a thousand of our population. It is true, the smallness of the number does not affect the principle, that each is sacredly bound to contribute his share to the welfare of all, but it proves the impolicy of incurring the expense of

The first section of the ninth article of the Constitution provides that "the General Assembly shall from time to time pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvements, by allowing rewards and immunities for the promotion and improvement of arts, sciences, commerce, manufactures and natural history; and to countenance and encourage the principles of humanity, industry and morality." The utility and importance of the measures contemplated by this provision will at once be admitted. The only diversity of opinion will be as to the means by which they are to be effected. Agriculture and manufactures are of the most immediate importance to the present and future growth of the state: and as these are the pursuits, which from our local situation, must necessarily employ a large proportion of our population; and as these too are the pursuits that mainly contribute to the wealth and prosperity of the state, the passage of a law authorising and encouraging the formation of societies for the purpose of awarding premiums for the best specimens of agricultural production, and domestic manufacture, would if carried into effect, be highly beneficial to the country, by exciting a spirit of industry and improvement.[19]

By the second section of the same article of the constitution

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erecting and supporting extensive and numerous public establishments for the accomplishment of an object so limited in extent, and so easily and perfectly attainable without them. Our present system of poor laws . . . is founded upon experience. . . . The few paupers we have, are comfortably supported, in a prudent and economical manner, in different places and by respectable people. Were they collected together in poor houses, their maintenance would be more expensive, their situation more degraded, and their poverty more exposed and humiliating. . . ." The report of the committee was concurred in by the House. Indiana *House Journal,* 1824-25, pp. 135-36.

The only act relative to the poor that was passed ordered the county clerks to certify to the secretary of state the following September an accurate statement of the amount of expense incurred in their respective counties from September, 1825, to September, 1826, with the number of paupers and indigents receiving aid. *Laws of Indiana,* 1825-26, p. 49, For Ray's report on the response to this measure see *post,* 190.

[19] A bill was introduced in the House "to encourage agriculture and manufacture," but failed to pass. *House Journal,* 1825-26, p. 125. Its provisions are not known.

it is made the *duty* of the General Assembly as soon as circumstances will permit, "to provide by law for a general system of education, ascending in a regular gradation from township schools to a state university, wherein tuition shall be *gratis* and *equally open to all.*" There is no subject more worthy the attention of the representatives of a free people, than that of providing means for the education of *all* classes of society, rich and poor together, in the same manner and at the same school: Nor is there a more effective method of suppressing vice, and giving countenance to, and encouraging the principles of "humanity, industry, and morality:" nor is there any better method of bringing native genius to light and usefulness. It is one of the first duties of a government, as well as of an individual, to provide the means necessary for their own existence. It has been well said that "knowledge is power" and that "ignorance is the footstool of despotism." Our's especially, is emphatically a government of the people, and its very existence depends upon their virtue and intelligence. A well educated people will always be virtuous. They only want to know their rights to protect and defend them.

By a grant of Congress, a section of land in each township in this state, has been invested in the inhabitants of such townships for the use of Common Schools; two entire townships have been invested in the Legislature for the use of a State Seminary, and by a provision of our constitution, all fines assessed for a breach of the penal laws, and all commutations for militia services, are appropriated to the use of County Seminaries.[20] The common school lands are estimated at six hundred and eight thousand, two hundred and seven acres, which, at two dollars per acre, would produce a fund of one million two hundred and sixteen thousand four hundred and forty-four [fourteen] dollars. This sum at interest at six per centum per annum, would produce seventy-two thousand nine hundred and eighty-six dollars yearly. There is now forty thousand nine hundred and sixty acres of college lands granted to the state: all of which will show that we are furnished *with means.* It still remains for the Legislature to improve and increase these several funds, so as to carry this general scheme of education into complete effect. For further and better information on this subject in detail, permit me to refer you to the able and lucid report of a committee raised by a joint resolution of the General Assembly, approved January 9th, 1821, which was made at the ensuing session, and is now on file in the office of the Secretary of State.[21] This report is worthy an attentive examination. I will remark, however, that this report is predicated upon a supposition that the Legislature can legally sell the lands for the use of township schools. Upon this point much doubt and great diversity of opinion exists, and it is believed that upon an attentive examination of the terms of the compact granting the sale of these lands, the right to sell will at least appear questionable, and the reasoning to support that position loose and unsatisfactory, unless the consent of the landholders in each township can be obtained. It may be noticed that section No. 16, in each township is *granted to the inhabitants of such township for the use of schools,*[22] and they may view it as an incident to their purchase.

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[20] The statement of the seminary funds of 22 counties in December,

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1825, as reported to the General Assembly is given in the *House Journal,* 1825-26, p. 215. It was as follows:

Allen—$37.00
Bartholomew—$41.34½
Clark—$11.50
Daviess—$240.90
Dearborn—$700.87
Floyd—$122.88¾
Franklin—$617.55
Gibson—$676.75½
Greene—$39.00
Hamilton—$14.50
Marion—$75.25
Martin—$81.95½
Monroe—$301.13
Montgomery—$10.25
Orange—$569.85
Parke—$123.62 ($26.50 assessed but not collected)
Perry—$148.42 ($56 in judgments not collected)
Putnam—$17.50
Rush—$57.37½
Scott—$59.33
Shelby—$39.31¼
Sullivan—$229.74
Vigo—no return

[21] This report is printed in Indiana *House Journal,* 1821-22, pp. 128-49.

[22] The Enabling Act read: "That the section numbered sixteen in every township, and, when such section has been sold, granted, or dis-

There can be no doubt as to the right of the Legislature to sell the seminary lands, for they are by the terms of the grant "vested in the Legislature," to be appropriated solely to the use of a Seminary by the Legislature; and the 1st section, 9th article of the constitution wisely intimates the propriety of a sale of those lands after the year 1820. It may well be worth your attention to enquire whether they are not daily diminishing in value under the existing mode of leasing them.

The Seminary at Bloomington, supported in part by one of these townships, is in as flourishing a condition as could have been anticipated. Tuition is comparatively cheap, and no pains are spared to make the institution respectable. It cannot, I think, fail to receive our patronage. It has been suggested, that it would be serviceable to the Seminary, to place it under a directory remote from the place of its location.[23]

The Secretary of State will lay before you the result of the enumeration of the free white male inhabitants of this state, authorized by an act of the last General Assembly, to a conformity with which the rates of representation are at this session to be reduced.[24] In noticing the present strength

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posed of, other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of such township, for the use of schools."

John Ewing, chairman of the Senate committee on education, reported at some length on the prospects of free common schools, and offered a resolution (not printed in the *Journal*) which apparently called for a study of the school fund which would provide "a perfect understanding of the whole subject, and a precise idea how far the present generation stand bound to posterity for the fund." "At this time it is hazardous," the report continued, "if not impossible, to urge upon the state a crude system of free schools (and such only could now be devised) without apparent means of sustenance, free of taxation, and preserving that which equally belongs to those who come after us." Ewing's report in Indiana *Senate Journal*, 1825-26, pp. 104-5. The resolution failed on third reading. *Ibid.*, 240.

[23] The only action taken in regard to the seminary at Bloomington by the Assembly at this session was to increase the number of trustees by three and grant the trustees additional authority in regard to the removal of the agent of the reserved township in Monroe County. *Laws of Indiana*, 1825-26, p. 83.

[24] For this report see below, 108-10.

of the state it may not be uninteresting to take a review of its *unparalleled increase* for the last twenty-five years. In the year 1800, it is supposed the territory contained 5,000 souls; in 1805, the population is estimated at 11,000; in 1810, at 24,000; in 1815, at 68,780; in 1820, when a census was taken under a law of the United States, at 147,178; in 1825, on a fair computation, at 250,000. Thus we perceive that our increase since 1800, proceeding in geometrical ratio, has amounted almost to a duplication every five years. Calculating upon a multiplication of inducements to settle our domains, and the continued expansion of our territory, by the year 1830 we will appear respectable in the councils of the federal government. To know that at this time we can number forty thousand citizen soldiers, gives us a presentiment of our glorious destiny.

With respect to fixing the ratio of representation, I can do but little more than to say that your own intelligence and knowledge of the people's wishes, will enable you to make the most satisfactory disposition of that difficult question. The ratio upon which the present apportionment was fixed, was as near as possible at one Senator for every eighteeen hundred polls, and one representative for every seven hundred. To continue this ratio, would make a considerable addition to your present number, and to increase it so as to avoid an addition of your number, would necessarily lessen the number of Senators and Representatives from particular districts. You will no doubt enter upon the consideration of this question, with a proper regard to the rights of representation, at the same time keeping in view such economy of expenditure as the situation of our finances require.[25]

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[25] The bills for reapportioning the senators and representatives were probably the most bitterly contested of all the bills introduced at this session. As one of the editors of the Richmond *Public Leger* wrote. "The bill fixing the ratio of the Senators and Representatives *feelingly* absorbs the whole attention of the members. Many, particularly from that part of the state called the Purchase, are guided on this important question solely by selfish consideration," he continued. "As it takes several counties to constitute a senatorial district, in the sparsely settled

The agent of the state at this place will report to you the situation of Indianapolis affairs, by which you will see that a great number of lots, which were sold in the year 1821, are likely to be forfeited to the state.[26]

Sundry resolutions from different states, relative to a resolution of the Ohio Legislature on the subject of slavery, have been received and are herewith submitted: Also, some resolutions relative to the proposition by the Georgia Legislature for an amendment of the constitution of the United States, which are also submitted.[27]

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parts, the members are anxious for those counties to be connected together in which they have the most personal popularity. The debates have been quite warm. . . . Any increase in the number of the two houses will greatly augment the expense to the state, and consequently the burdens of the people." Issue of December 31, 1825. The act that was finally passed provided for a Senate of 21 members and a House of 58. The existing ratio of one representative for every 700 polls and one senator for every 1,800 polls was preserved. *Ibid.*, and *Laws of Indiana,* 1825-26, pp. 5-6.

[26] The report is printed *post,* 106-7. It shows that lots sold between October, 1821, and May, 1825, amounted to $42,693.20. The agent, Benjamin I. Blythe, however, had received only $20,081.20 in actual payments. More than half these lots were relinquished to the state. Carmony, "Genesis and Early History of the Indianapolis Fund," in *Indiana Magazine of History,* 38(1942):25.

[27] The Ohio resolution mentioned was probably the one passed by the General Assembly of that state on January 17, 1824, recommending to Congress and the legislatures of the states the consideration of a scheme providing for the gradual emancipation of Negro slaves. It was suggested that a system of foreign colonization be adopted by the passage of a Federal act providing that all children born to slaves after the passage of such a law should be freed at the age of twenty-one years, provided that they consented to being transported to the intended place of colonization. No action on the Ohio resolution was taken, but the Senate considered a joint resolution favoring "a proposition offered to one of the Branches of the National Legislature at the last session of Congress, contemplating the creation of a fund from the sales of public lands, after the objects for which these lands were originally pledged shall have been accomplished for promoting the emancipation of persons held in bondage in the United States," but it was indefinitely postponed by a vote of 10 to 3. Indiana *Senate Journal,* 1825-26, p. 206.

Ray forwarded to the Assembly on December 12, 1825, communications relative to the Georgia resolutions and resolutions he had received relative to slavery. *House Journal,* 1825-26, pp. 68-69.

It will probably be necessary, for the purpose of availing ourselves of the benefit of a law of Congress, passed at the last session, extending to the Adjutant, Major and Brigadier Generals of the several states the privilege of franking their communications, to pass a law making it the duty of those officers to make the necessary indorsements upon all letters or packages they may transmit to each other, containing military returns or commissions:[28]

The military law of this state, in defining the duties of Quartermaster General, has required from him, services equally arduous and more responsible than those of the Adjutant General without allowing any compensation therefor; the consequence is, that the office will not be accepted.[29]

The Auditor and Treasurer, whose special duty it is to report to you the situation of their several departments, will lay before you the state of the finances.[30] It will be seen that there is considerable diminution in the amount of revenue from the last preceding year, growing out of the act of the last session, lessening the tax on land. The revenue assessed for the present year amounts to forty thousand dollars. From former delinquent lists of almost twelve thousand dollars, it is thought that the treasury will realize three thousand. It may reasonably be calculated from past events, that eight thousand dollars of the above aggregate amount, may be deducted for delinquencies and commissions; leaving for the treasury thirty-five thousand dollars. Of this sum it is believed that about five thousand dollars will be paid in outstanding claims against the state, and held by the collectors.

Thus there may be expected in the treasury on the first day of January, 1826, of available funds, the sum of thirty thousand dollars, to liquidate the demands of the current year. The ordinary expenses for the year, including the civil list and contingencies, will be about twenty-two thousand dollars;

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[28] No such action as recommended here was taken by the Assembly.

[29] No appropriation was made for a quartermaster general until the following session. *Laws of Indiana,* 1826-27, pp. 39-40.

[30] The auditor's and treasurer's report with annotations are given above, 59-62, and below, 100-3.

leaving eight thousand dollars, which may be appropriated towards sinking the public debt. The public debt is sixteen thousand, nine hundred and twenty dollars, and seventy-three cents, and consists of the following items, to wit: To the United States' assignees of the Vincennes bank, $2,313 36, principal and interest; to the road and canal fund, $6,475 principal and interest; treasury notes in circulation, and interest on the same $1,580; to the seminary fund, $1,252 37 principal and interest; and to Frederick Rapp, $5,300, principal and interest. It may be presumed that about three thousand dollars of this debt will be demanded during the ensuing year—hence there will be $5,000 left in the treasury, subject to the will of the legislature.

It is your duty to provide the ways and means for the following year. To effect this purpose, the present posture of affairs will enable you to see your way clearly. Almost out of debt, and capable of meeting all the demands that will arise on the treasury during the fiscal year, and with a great increase of resources; it cannot be doubted, that the existing revenue laws will produce an abundance of means for the common purposes of the state—it is believed that during the next season, there will be upwards of five hundred thousand additional acres of lands subject to assessment, which have heretofore been exempted for five years under the compact.[31] From the unparalleled migration to our soil this year, we cannot well avoid the conclusion, that with vigilence on the part of officers, there will be an addition to the poll list also, including the increase by emigration, of rising seven thousand. Taking this view as correct data, the next assessment will be upwards of fifty thousand dollars, under the operation of the present law. At a period like this, when the farmer finds it difficult to sell his produce for cash, it will not be expected that more revenue will be exacted than is necessary, under the most rigid economy, for present use. If improvements are contemplated let us resort to a different state policy to raise the means. As the tax upon lands was moderately lessened last year, I am impressed with a belief, that you may safely diminish the assessment on the head one fourth. I have chosen this object, because a poll tax seems to be the most odious to the people; being often viewed in no better light than as a remaining badge of British vassalage. For the harmony and good of society, it is equally as necessary that the revenue should be raised to public satisfaction, as that it should be demanded with certainty, and upon principles of equal justice. Knowing from experience, that it is more difficult to get rid of an evil, than to introduce one, it might not be good policy to reduce this tax more than a fourth at present, and so on each year for four years, when it will be dismissed from our statutes. It will be found also, that the principal cause that originally induced it, is ceasing to exist. Many articles of pleasure and luxury might be selected with more propriety, than the heads of freemen.[32] The additional certificates of several clerks of persons unassessed, is an evidence of negligence on the part of assessors, which ought to be remedied. Before I conclude this subject I must express my regret, that the Auditor has not yet been able to procure all the registers and maps required by the act of the last session. It may be well for the Legislature not to lose sight of such an important addition to the revenue system.

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[31] A reference to the clause in the enabling act "that every and each tract of land sold by the United States, from and after the first day of December next [1816], shall be and remain exempt from any tax laid by order, or under any authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years, from and after the day of sale."

You have recently had occasion to learn that there is an alarming defalcation some where, in the discharge of a most important constitutional, legal and moral duty. It seems that there are eleven counties in this state from which no returns for Governor and Lieutenant Governor have been received.

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[32] The preceding legislature (1825) had permitted county boards at their discretion to levy a 50-cent poll tax for county purposes. An act amending the several acts for assessing and collecting the revenue, passed at this session, repealed the poll tax for county purposes except for the counties in the New Purchase. *Laws of Indiana,* 1825-26, p. 69. The 50-cent poll tax collected by the state was continued in force.

It is of no avail to impose heavy penalties on Clerks to induce them to put a single return into a post office, whilst post masters, through whose hands these returns pass, are subject to no penalty whatsoever.[33] It will be vanity to labour to preserve the freedom and purity of elections too, if such scenes as we have just witnessed are suffered to pass unnoticed. A law requiring the clerks in each county to transmit to the Speaker of the House of Representatives, and President of the Senate, duplicate returns by some special messenger, for whose integrity he should be responsible, (but not for unavoidable accidents,) and also one by mail, might prove more effective in always securing to the people the person of their choice.[34]

Having detained you long enough, suffer me to conclude by reserving to myself the privilege of communicating to you in separate messages, the situation of the Penitentiary affairs, and some other matters of interest.

If my assistance and cordial co-operation, in any good measure will have the effect of facilitating your deliberations in the discharge of your high prerogative, and of bringing the session to a close as soon as practicable, I beg you, at all times, to command my services.

JAMES B. RAY.

December 8, 1825.

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[33] Impeachment of clerks of the counties from which no returns were received was considered but no proceedings were instituted. Blame for failure of some of the returns to reach the secretary of state was placed on negligent postmasters. Indiana *House Journal*, 1825-26, pp. 65-66, 77.

[34] To prevent recurrence of this situation an act was passed at this session "to provide for a more certain return of the votes for Governor and Lieutenant Governor." Under it clerks of the counties were to seal up in the presence of a postmaster in their respective counties a certified statement of the votes for Governor and Lieutenant Governor within thirty days after the votes were received by them, and obtain from the postmasters a certificate that such return had been deposited in the post office. Also, the clerks were to transmit to the speaker of the House at the first session following the election a sealed certified statement of the returns in their respective counties by the hand of a senator or representative of their district. Penalties for failure to abide by this act were prescribed. *Laws of Indiana*, 1825-26, p. 20.

J. W. Porter to Ray[1]

HINDOSTAN MARTIN COUNTY Decr 9th 1825

TO HIS EXCELLENCY JAMES B RAY Govenor

It appears that you as Govenor issued your writ of Election to the sheriff of this county to cause an election to be held to fill the vacancy of associate judge occasioned by the resignation of James Prentiss in which writ, you set a day certain for said election to take place on which day as mentioned in said writ an election was held to fill said vacancy, which election was contested, and by the board of justices was set aside for naught, after which the sheriff of the county gave notice that their would be an election held on the 19 day of Novr 1825 to fill said vacancy, and from the returns of said election it appears that Isaac Smith was elected[2]

Now had the sheriff any authority to order said second election—The said second election was contested but from some little error in the persons not attending that served the notices, the merits could not be entered into. for further particulars I will refer you to Colo Julius Johnson & Mr Sanford Brown Yours &c

J W PORTER

Auditor's Report[1]

AUDITOR'S OFFICE. December 10th, 1825.

TO THE HONORABLE THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR—In obedience to an act of the General Assembly, entitled "An act concerning the Auditor of public accounts and

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[1] ALS. ISL:Archives Division, Election Returns.

[2] Isaac Smith was commissioned associate judge by the Governor on December 27. *Executive Proceedings, 1816-1836,* p. 520.

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[1] Indiana *House Journal,* 1825-26, pp. 63-65. Also in *Senate Journal,* 1825-26, pp. 40-42.

Treasurer of State," I have the honor herewith to transmit you my annual report.

I have the honor to be, &c.

Wm. H. Lilly, Aud. Pub. Ac'ts.

The Auditor of Public Accounts, in obedience to an act of the General Assembly, entitled "an act, concerning the Auditor of Public Accounts and Treasurer of State," submits the following report, to wit:

There was remaining in the Treasurer's hands, on the 31st Dec. 1824, as per former report, provided all claims audited to that date have been paid, the sum of	25,381 59
Since the above period to the 3d Dec., 1825 inclusive, there has been received from sundry collectors on account of balance due for 1822, the sum of	772 06
From sundry collectors for balances due for 1823, the sum of	1,205 88
″ sundry collectors for the year 1824, the sum of	7,328 96
″ sundry collectors for the year 1825, the sum of	6,954 84
From the commissioners of the seminary lands in Gibson county,	325 00
For delinquencies from the counties of Parke, Jackson, Washington, for 1823—from Switzerland for 1820, & Jennings for 1824, amounting in all, to	73 80
From Benjamin J. Blythe, agent at Indianapolis, the sum of	4,890 82
″ the paymaster of the 40th regiment for fines collected,	7 00
For unlisted lands for Allen and Union counties, for the years 1824 and 1825, the sum of	29 50

For damages collected from the collector of Madison county for 1824,	6 32
Making in all, the sum of	$46,975 77

Since the above periods there has been audited in liquidation of the expenses of the presidential election, the sum of	10 00
In liquidation of the state prison, the sum of	771 61[2]
In liquidation of the judiciary department,	2,823 00
In liquidation of the last General Assembly, and special appropriations which come under no general head,	6,638 56
In liquidation of the seat of government, including one thousand dollars paid for building the Treasurer's and Auditor's offices; also four thousand eight hundred and ninety dollars and eighty-two cents, paid the commissioners of Marion county towards completing the building of the court-house, the sum of	6,223 51
In liquidation for stationary furnished the last General Assembly,	204 87
In liquidation of the attorney general's salary,	50 00
In liquidation of expenses for circuit prosecutors,	920 50
In liquidation of the executive department including fifty dollars for house rent for the Governor,	1,471 23
In liquidation of militia expenses,	73 08
In liquidation of public printing, the sum of	964 93
In liquidation for interest on treasury notes,	285 93
In liquidation of the contingent expenses,	1,665 28
In addition to the above claims specified, the treasury is entitled to a credit for treasury notes burnt pursuant to an act of the last General Assembly, to the sum of	18,541 00
Making in all, the sum of	$40,643 50

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[2] *Ante,* 61n.

Which deducted from the sum of $46,975 77 as reported to have been received, will leave a balance in the hands of the Treasurer, provided all the claims audited to this date have been paid, the sum of.............................. $6,332 27

The assessments of all the counties in the state for revenue for the year 1825 amounts to.........$40,131 39

Of which the amount assessed for Poll tax amounts to $18,417 00

For delinquents and unlisted lands for 1825 the following returns have been made:

From the county of Franklin $107 57; Fayette $45 47; Wayne, $42 05; Ripley $81 33; Sullivan $23 72; Parke $8 22; Allen $3 50; Vermillion $16 96; Monroe $38 18; Union $29 00; Crawford $3 39; making in all the sum of.......... 399 39

Attempts were made at an early period to procure from the Land offices for this state the maps and registers of the entries of land, as required by the revenue laws of the last session.—No answer was received to the application to the Register of the Cincinnati land office, and the register at Jeffersonville and Vincennes at first declined engaging on terms that the appropriation last session would have justified. In June however a contract was made with the latter for his district, and which was completed in November, and has lately arrived at this office. The registers for the balance of the State are making out at the Surveyor General's office on much more moderate terms than they could be procured elsewhere; they are to be furnished for one dollar twelve and a half cents per township. That for the Cincinnati district arrived a few days since, the balance are expected shortly.

Respectfully submitted,

Wm. H. Lilly, Aud. Pub. Acct's.

Ray to President of the Senate, Transmitting a Communication[1]

EXECUTIVE DEPARTMENT, Dec. 13, 1825.

TO THE HON. THE PRESIDENT OF THE SENATE,

I have the honour to enclose you a communication, received from the commissioner of the General Land Office, in relation to the three per cent. fund, which you will please to lay before the House over which you preside.

I have the honour to be, with great respect your ob't. serv't.

J. BROWN RAY.

[Enclosure]

TREASURY DEPARTMENT,

GENERAL LAND OFFICE, 30 March, 1825

SIR—I have the honour to inform you that the nett proceeds arising from the sales of public lands in the state of Indiana, for the half year ending on the 31st December, 1824, amount to one hundred and ninety-nine thousand, and thirty-two dollars, and seventy-one cents, on which the fund of three per cent, accruing to the state of Indiana, is five thousand nine hundred and seventy dollars and ninety-eight cents.[2]

With great respect,

GEORGE GRAHAM.

THE GOVERNOR OF THE STATE OF INDIANA.

Ray to Speaker of the House Relative to Expense of Reception for Lafayette[1]

EXECUTIVE DEPARTMENT, December 13th, 1825.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR—In compliance with an intimation in my communication of the 8th instant, and in obedience to a resolution of the

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[1] Indiana *Senate Journal*, 1825-26, pp. 53-54.

[2] The total amount received for the year 1824-25 was $10,798.09. Indiana *House Journal*, 1825-26, p. 160.

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[1] Indiana *House Journal*, 1825-26, p. 82.

House of Representatives of yesterday,[2] I enclose you the amount accompanied with the vouchers referring to the several items therein mentioned, of the whole expense attending the reception of General Lafayette, as presented to me by the committee of arrangement appointed for that occasion, and allowed by them.[3] The aforementioned account under went the scrutiny of the said committee, and I herewith submit the evidences upon which they acted, except as to items No. 10, 13, 14, 17, 19 and 20 of the account, as to which no special accounts seem to have been exhibited to the committee, but which were allowed by the committee of arrangement upon evidences submitted to them: as will appear by the evidence and certificate of Col. John H. Farnham, one of the committee endorsed on said account.

As no part of this money has at any time come into my hands, I must rely upon the statement of the Treasurer of State for the correctness of the 21st item in the account.

I will remark, that as the resolution of the last session, authorizing the Executive and citizens to receive General Lafayette, and consider myself as only one amongst many in making arrangements &c. and acted accordingly.

I have the honor to be, &c.

J. Brown Ray.

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[2] *Ibid.*, 75-76.

[3] The following is an extract from a letter of one of the editors of the Richmond *Public Leger*, written from Indianapolis on December 19. "To the House, on Wednesday last, the Gov. transmitted the accounts and vouchers of the expense attending the reception of Lafayette. The whole expense you will perceive is $1305.00. In the Centerville Emporium of 23d July last, it was stated, as Judge Scott said, on the authority of a letter from Col. Ray, that the expense would not exceed $280. The amount as now reported by the Gov. far exceeds what was then stated, and places either the Gov. or Judge Scott, in an unenviable situation. One or the other have been guilty of a high-handed attempt to impose upon and deceive the public, and they may divide the odium to suit themselves." Richmond *Public Leger*, December 31, 1825. Total expense of the reception was given as $1,337.87 in the report on the Governor's contingent fund. See *post*, 113.

Report of Agent of State for Indianapolis[1]

Agent's Office, Dec. 13, 1825.

To Hon. The Speaker House Representatives,

Sir—I herewith transmit a schedule of all the lots sold in the town of Indianapolis from October 1821 to May 1825, with the gross amount of sales; also a statement of all monies received on account of sales of lots, rent and timber.[2]

I am respectfully yours, &c.

B. J. Blythe, Agent for Indianapolis.

314 lots sold Oct. 1821 for	$35,595 75
17 ″ May, 1825	3,328 25
20 out lots [sold] 1825	1,469 60
20 ″ Jan. 1825	1,955 60
3 brickyards,	344 00
	$42,693 20
Of the lots sold in Oct. 1821, 107 have been paid out, amounting to	$11,866 69
6 on which four payments have been made	683 41¾
9 on which three payments have been made	623 68
23 on which two payments have been made	1,331 08
169 on which one payment has been made	3,727 60
Of the 17 lots sold in May, 1825, on 1 two payments have been made,	30 00
On 16, one payment has been made,	650 65
	$18,913 11¾
Of the out lots sold in Jan'y. and May, 1825, 6 have been paid out, making	$418 15
2 on which two payments have been made,	59 71
32 on which one payment has been made,	556 63

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[1] Indiana *House Journal,* 1825-26, pp. 95-96; *Senate Journal,* 1825-26, pp. 55-56.

[2] *Ante,* 95, note 26.

1 Brick-yard paid out	81	00
2 do. on which one payment has been made,	52	60
Whole amount paid on lots,	$20,081	20¾
Amount paid on rent account,	234	47½
Amount paid on timber account,	27	56¼
Whole amount as per books of this office,	$20,343	24½

Respectfully submitted,

B. J. BLYTHE,
Agent of State for Indianapolis.

Ray to John Ewing[1]

INDIANA EXECUTIVE DEPARTMENT,
December 22d 1825.

HON. JOHN EWING:

SIR—Allow me to acknowledge the receipt of your communication of the 20th inst., requesting me to state whether I intended to express an opinion in my communication of the 8th inst. that the General Assembly of Indiana could not proceed to survey the route of the contemplated canal, to connect the waters of the Wabash and Miami of the Lake, until the Indian claims to the soil were quieted, &c.;[2] and in answer to the same, to remark, that I did not intend to express any opinion, but to suggest doubts that were entertained.

The consideration of this point may be waived, however, provided the information which the agent of Indian affairs[3] in that part of the state, has given me personally, be certain, "that the natives will not resist any improvement which the General Assembly of Indiana may authorize upon their lands." This consent will obviate the doubt.

Most respectfully,

J. BROWN RAY.

CHAIRMAN OF THE CANAL COMMITTEE.

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[1] Indiana *Senate Journal,* 1825-26, pp. 114-15.

[2] *Ante,* 79-80.

[3] John Tipton.

The Secretary of State to the Speaker of the Indiana House, Return of Polls[1]

EXECUTIVE DEPARTMENT, SECRETARY'S OFFICE, Dec. 1825.

THE HON. SPEAKER OF THE HOUSE OF
REPRESENTATIVES,

SIR,—Herewith is transmitted agreeably to law[2] a certified statement exhibiting the whole number of polls returned from each county in the State, together with the number of paupers, insane persons, and persons exempt from a poll tax, and the number of coloured persons so far as the same appears from documents on file in my office.

It may be well to add that no return of any kind has been received from the county of Clay—that no return of persons exempt from a poll tax has been received from many counties —and that certain *unofficial* statements have been received from the Clerks of several circuit courts, from which it appears that there are in the county of Wayne thirty-three persons of colour who are included in the exhibit of the taxable inhabitants of that county—in the county of Knox, forty-five persons of colour included in like manner—that a very considerable mistake occurs in the exhibit of the number of taxable inhabitants in the county of Greene, owing to the assessor having charged non-resident land holders with a poll tax—that in the county of Marion the collector has collected a poll tax from sixty seven free white male inhabitants who were by some mistake or negligence of the lister not included in his statement to the Auditor, and are consequently not included in the exhibit, and that the exhibit of the number of taxable inhabitants in the county of Franklin is immaterially erroneous. It is alleged by the clerk of the circuit court of Fayette county that there are in that county as many as two hundred persons exempt from a poll tax, or who were neglected to be noticed on the assessors books. The documents from which these facts are ascertained, or in which they are supposed not being of that character contemplated by the law in pursuance of which the exhibit herewith communicated is made, of course, are not noticed therein, but remain subject to the order of either House of the General Assembly.

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[1] Indiana *House Journal*, 1825-26, pp. 12-13.

[2] An act of the previous session provided for taking an enumeration of the Negro and free white male inhabitants of the state on or before October 1, 1825, including those who had paid a poll tax, paupers, insane persons, and persons exempt from the poll tax. The Secretary of State was to transmit the returns to the House and Senate on the first day of the session. *Laws of Indiana*, 1825, pp. 24-25.

I have the honour to be, very Respectfully, yours, &c.

William W. Wick

Counties	Whole No.	Paupers, &c.	Col'd Persons
Allen	150		
Bartholomew	539		
Clark	1,699	49	22
Crawford	436		
Daviess	667		
Dearborn	2,254		
Decatur	602		
Dubois	285		
Fayette	1,015		
Floyd	635		
Franklin	1,516		
Gibson	743		
Greene	456	10	
Hamilton	170		
Hendricks	182		
Harrison	1,810	46	
Henry	405		
Jackson	543		
Jefferson	1,531		
Jennings	466		
Johnson	249		
Knox	1,015	4	
Lawrence	879		
Madison	180		
Marion	630	22	7
Martin	272		
Monroe	796		
Montgomery	295		
Morgan	320	7	
Orange	1,097	13	
Owen	376		

Counties	Whole No.	Paupers, &c.	Col'd Persons
Parke	576		
Perry	414		
Pike	338		
Posey	842	48	
Putnam	462		
Randolph	490		
Ripley	618		
Rush	715	21	
Scott	483		
Shelby	485	6	
Spencer	403		
Sullivan	639		
Switzerland	1,142	2	
Union	990		
Vanderburgh	387		
Vermillion	371	8	
Vigo	820	2	10
Warrick	420		
Washington	1,933	24	15
Wayne	2,291	16	
Total	36,977	217	54

William Wallace to Ray[1]

[January 1, 1826]

To His Excellency James B. Ray Esqr Governor
of the State of Indiana,

Sir Mr. Jacob Tommy, a citizen of the county of Daviess, was emersed in a fine, at the September term of the circuit court, for the county aforesaid, for selling one quart of whiskey, without having obtained licence. Mr. Tommy, is a poor man, having lost, in crossing White River, all his property, to the amount of fourteen or fifteen hundred dollars, and what was infinitely worse, five of his children were drowned at the same time. I think Sir, that his case merits your favorable consideration, and by remitting his fine, you

[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

will confer on him a lasting favor, and much oblige your humble servant

INDIANAPOLIS Jany 1st 1826

WILLIAM WALLACE

[Endorsed:] The above fine is remitted, on the condition that the said defendant pay $2.50 of the same & costs—Deliver the remission to Mr. Wallace, Rep of Davis county

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Benjamin Ferguson, *et al.*, to Ray[1]

[January 6, 1826]

TO HIS EXCELLENCY JAMES B RAY Governor of the
State of Indiana

We the undersigned respectfully represent to your Excellency that at a called session of the circuit court for the county of Clark held on the second day of January inst. a man of color was indicted and convicted by the name of Charles on a charge of larceny in stealing some trifling articles of clothing; and sentenced to the state's prison for one year, to pay a fine of ten dollars and costs of prosecution. We further represent that we are satisfied, by the clearest proof that the said negro man is a fugitive slave belonging to Greene Kirby of the state of Kentucky, that his real name is Garrit; and we have reason to believe, that his motive in committing the crime, was a wish to protect himself against the claim of his master, by confinement in our penitentiary. As both the laws of congress and the laws of this state are silent upon the subject of a case like this; and as we believe some remedy should be provided against the evil which such a state of things produces, both in regard to the private interest of the slave holder and as it respects the relations which ought to subsist between the non-slave holding and the slave holding states bordering upon each other, we recommend to your Excellency to grant a pardon to the convicted slave, that he may be placed in a situation to be subject to the claim of his master, legally urged. We wish to submit entirely to your Excellency the propriety upon principles of general policy of granting the pardon either with or without condition that the fine and costs be paid before the pardon shall take effect. We would also suggest that Judge Ross is absent on a journey, so that no application could be made to him, for his signature to this petition.

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[1] DS. ISL:Archives Division, Pardons and Remission of Fines.

As in duty &c
Jany 6th 1826 BENJN FERGUSON As Judge
W. W. GOODWIN ass. Judge
[and 15 others]

[Endorsed:] Pardoned on the payment of fine & expenses—Jan 10, 1826

Report on the Governor's Contingent Fund[1]

[January 11, 1826]

The following is a detailed account of the disbursement of the contingent fund, as appears from the books and vouchers in the offices of the Auditor and Treasurer.

To William H. Lilly,[2] for postage paid, ...	$ 3 00
John Aydelott, for transporting books, ...	4 75
Caleb Scudder,[3] for table for secretary's office, .	5 00
Pendleton Mitchem, for packing laws, ...	2 00
R. A. New, for postage, ...	12 00
S. Henderson,[4] for postage for speaker 1825, . .	1 62
Phipps & Co. for stationary, ...	14 00
Caleb Scudder, for paper case for treasurer, . . .	15 00
Austin Bishop, for paper to secretary, ...	2 25

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[1] Indiana *House Journal*, 1825-26, pp. 257-58.

[2] Lilly was auditor of state.

[3] Scudder, a cabinetmaker, opened a shop in Indianapolis in 1820 or 1821. He served as mayor of the city, 1851-54. Berry R. Sulgrove, *History of Indianapolis and Marion County Indiana* (Philadelphia, 1884), 455, 486; Jacob Piatt Dunn, *Greater Indianapolis* . . . (2 vols. Chicago, 1910), 2:1014-15.

[4] Henderson was postmaster at Indianapolis.

Samuel Henderson, for postage,	13 95
George L. Murdock, for attending trial in the case of the state against Lane,[5]	20 00
William Wick, for copying laws, attending printing, &c.	140 00
Reception of General Lafayette,	1,337 87
Nicholas M'Carty, for stationary,	36 69
Rooker, for mending Lafayette's bust,	6 00
S. Henderson, for postage,	51 15
	$1,665 28

Ray to the Speaker of the House, Transmitting a Communication[1]

EXECUTIVE OFFICE,

INDIANAPOLIS, Jan. 11, 1826.

THE HON. THE SPEAKER OF THE HOUSE OF
REPRESENTATIVES,

SIR—I have the honor herewith of enclosing you a proposed amendment to the Constittuion of the United States, providing for the election of President and Vice President by the *people,* &c.; which you will please lay before the House over which you preside, with a request that the same may be taken into consideration during the present session.[2]

Most respectfully, your obedient servant,

J. BROWN RAY.

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[5] For the suit against Lane see *ante,* 62-63n.

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[1] Indiana *House Journal,* 1825-26, p. 262. The enclosure is printed in *ibid.,* 293-94.

[2] The amendment provided that each state was to be divided into electoral districts equal to the number of their U. S. representatives and senators; the people were to vote for president and vice-president at the same time they voted for members of the lower house of their General Assembly; the person receiving the highest vote for president and vice-president in each district was considered as having received one vote; votes from the several states were to be sent to Washington, and if no person received a majority of the votes cast for president, the

Ray: Proclamation Establishing the Fifteenth Brigade[1]

[January 18, 1826]

The State of Indiana Ss

By virtue of the authority invested in me by Law, I do hereby establish the Brigade within prayed for, to be composed of the counties of Monroe Morgan & Owen, as the fifteenth brigade of Indiana Militia, and request the same to be recorded as such. As witness my hand & seal this 18th of January A D 1826.

J. Brown Ray (Seal)
Governor of Indiana

North Parker to Ray[1]

[January 19, 1826]

To His Excellency James B Ray

Sir I have thought it would be doing justice to you and my county to acquaint you of some of circumstances attending the appointment of a sherriff to fill the vacancy in this county[2] I was entirely unapprised of the course you had thought proper to take to obtain the voice of our citizens untill late on Friday evening after the adoption of the course which was several

names of the two highest on the list were to be presented to the people for their choice. Indiana *House Journal,* 1825-26, pp. 293-94. After considering the amendment, the Indiana Assembly disapproved it. *Laws of Indiana,* 1825-26, p. 92.

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[1] DS. ISL:Archives Division, Militia file. A petition signed by John Ketcham and eight others, dated January 10, 1826, asked for the formation of the brigade. The Governor's proclamation appears as an endorsement on the petition.

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[1] ALS. ISL:Archives Division, Governors' file.

[2] The appointment was for Rush County. There were many recommendations for the two candidates William S. Bussell and North Parker. Parker was commissioned by the Governor on January 20, 1826, to serve until the regular election the following August, at which time he was elected sheriff.

days after Mr. Bussells recommendations were in circulation and as I am well informed by many of my friends that I had no petition in circulation which induced many of my intimate friends to sign Mr. Bussells paper to their (since) mortification some of my friends nothwithstanding the great advantage taken in the start of the thing circulated subscription papers in different neighbourhoods in the county but there has been annother stratigm laid that I had no apprehension of untill late last evening which was too late to remedy only in this way by apprising you of it (to wit) that I had entirely declined any further pretentions to apply for the appointment which has I am well apprised has been the cause of not more than one half of my subscription papers being sent in some of which from a part of the county that have given me a verry general support as you have been advertised of both our standing and as the voice of the citizens have been so unfairly obtained and presented I have presumed the appointment cannot be made agreeable to the method your Honour has adopted among the few subscribers that I have sent on you will find the names of many men who had previously signed Mr. Bussells petition I would only suggest the propriety of either defering the appointment untill I can at least get in the subscription lists that have been no doubt in my mind been unfairly prevented from being brought in or otherwise to appoint by the weight of character that is attached to the recommendations that is before you accept my appology for not comeing or sending at an early an hour it is in consequence of waiting for the return of the papers—Respectfully Yours &c

North Parker

Governor Ray

January 19th 1826

The Secretary of War to Ray[1]

DEPARTMENT OF WAR 28th January 1826

TO HIS EXCELLENCY JAMES B. RAY

SIR, Your letter of the 25th Novr. last, to the President, on the subject of removing the Indians now residing within the State of Indiana, has been received.[2] The President directs me to convey to your Excellency his readiness to co-operate on any Treaty arrangements for the accomplishment of that object, provision being made therefor by the Congress.

There is but one opinion in regard to the perishing effects which are felt by an Indian population when located in the midst of Civilized people. Corruption, and fraud, those active agents, against which it is impossible, effectually to provide, lead to their degeneracy and impoverishment, and finally to their destruction.—

I have the honor, to be, very Respectfully Your obt. Servt.

JAMES BARBOUR.

Ray to the Secretary of War[1]

INDIANAPOLIS Feby. 16, 1826

HON. JAMES BARBOUR

SIR Your communication of the 28th of January last, received by the last mail, afforded me much satisfaction, in announcing the readiness of the President to co-operate in any Treaty arrangement, that may be necessary, to effect the extinguishment of the Indian title to Land within this State, provision being made therefor by Congress.

It is ardently hoped, not only by myself, but by my fellow citizens, that Congress may make the necessary provision.

Allow me to express a wish, Sir, that I may be *One* of the commissioners appointed to make the Treaty. Should you

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[1] LS. NA:Indian Office, Letter Books, 2:389. Ray replied to this letter on February 16.

[2] The letter is printed above.

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[1] ALS. NA:Indian Office, Letters Received, Indiana.

feel at liberty to name my desires to the President, it will lay me under obligation to you individually. If you could *request* my appointment I will remember it with gratitude.[2]

I have the honor to be very respectfully your most Obt. Servt.

JAMES B. RAY

Jonathan McCarty to Ray[1]

CONNERSVILLE 27th February 1826

HIS EXCELLENCY JAMES B RAY

DEAR SIR You will discover by an act of the last session of the legislature of this state a small part of Franklin County was attached to the south side of Fayette and now forms a part of the latter

This arrangement throws between 20 & 30 malitia men in Fayette who formerly belonged to the 7th Regt 6th Brigade It now seems they belong to no brigade as the county lines were the Brigade and regimental lines heretofore It has also been a question of doubt wheather a part of the militia on the east side of Fayette propperly belongs to Col Roses regt or Moffits as they ly in different Brigades the question can only be settled by the Executive, the east line of Fayette having been altered since the 13th Brigade was set off and in fact a considerable portion of Fayette on the east did once belong to the 16th Regt And it is said some of the citizens of that district have not for many years done malitia duty

It is now my wish as well as the Citizens of the south and east side of Fayette who have been thus situated, with whom I have conversed that you should settle the question and order that the County of Fayette as it now stands form a part of the 13th Brigade This arrangement if done should be done

[2] The Governor's desire to be one of the treaty commissioners was granted. See letter of May 24, 1826.

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[1] ALS. ISL:Archives Division, Militia file.

shortly in order to give Col Moffitt an opportunity to arrange his company districts in time for the spring musters

I have appointed the Regimental musters in the 13th Brigade to suit your arrangements agreeable to your request

Verry respectfully I am yours

JONA MCCARTY

[Endorsed:] All that part of Franklin county which was attached to the county of Fayette in 1825 & 6 & at any other time is hereby attached to the 13th Brigade.

JAMES B. RAY

[Second endorsement in same hand:] all the militia within the bounds of Fayette as now established by law attached to & to form a part of the 13th Brigade

Order made 23 Aug 1826

William Marshall to Ray[1]

[March 15, 1826]

HIS EXCELLENCY JAMES BROWN RAY Governor of the
State of Indiana

The bearer Mr. Dellingham it appears from a letter he handed me this morning is in pursuit of negro fellow now confined in the state prison at Jeffersonvill for one year. The particulars you will learn from his papers.

From the letter handed me I discover the Owner is in indigent circumstances. I have no hesitation Gov. in saying that in extending your prerogative in the present case [MS torn by seal] would have a good effect it would have a tendency to remove the prejudices which slave holders entertain against us and also reconcile the feelings of our Sister state[2]

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[1] Wm. H. English Collection, University of Chicago; transcript in IHS.

[2] On March 16, 1826, Governor Ray remitted the sentence of imprisonment and fine of one cent given Perry alias William, a man of color, by the Switzerland County Court for the crime of larceny. From the records it appears that Perry, a slave, fled from "his then master,"

I am Respectfully your Obedient humble servant
WILLIAM MARSHALL[3]

M. 15 1826

Excuse haste. the gentleman is in a hurry

[Endorsed:] Taken by Mr. Dellingham

Douglass Maguire to Ray[1]

[March, 1826]

TO HIS EXCELLENCY JAMES B. RAY, Governor of the
State of Indiana,

The undersigned respectfully solicits the interposition of your Excellency to prevent the collection of a fine, which has been unjustly, and, as he conceives, unlawfully, assessed against him. That your Excellency, however, may have sufficient data, from which you can form an opinion, the following facts are submitted:—About three years ago, a Rifle Company was formed in this place,[2] by permission of the commanding officer of the Regiment. Soon after a sufficient number had signified their intention to become members of the company, a committee was appointed to draft a Constitution and By-Laws for the government of the Company to which Constitution and By Laws I, together with the other members, gave my assent. Under this Constitution, the company continued to increase and to prosper. Soon afterwards, at the

Elisha B. Uzzell, in December 1825. He was convicted of stealing a coat and pair of socks and sentenced to one year in the state prison. Ephraim R. Dillingham, representing himself as Perry's new owner, traveled to Indiana, in search of the slave and upon finding him in prison was advised to apply to Governor Ray for a pardon for the slave as the most expeditious way of recovering his property. *Executive Proceedings, 1816-1836,* p. *327*; Pardons and Remission of Fines, Archives Division, ISL.

[3] Marshall was a member of the Indiana House of Representatives from Jackson County.

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[1] ALS. IHS:Wm. H. English MSS.

[2] Indianapolis. Maguire was joint editor with John Douglass of the Indianapolis *Indiana Journal.*

instigation of a few dissatisfied members, the Constitution was abolished, and Major Reding appointed a Committee to draft another. About the same time a portion of the Company managed by stratagem to get the uniform changed. Those therefore, who had gone to the expense of purchasing a uniform, were compelled to throw it away and buy hunting shirts, or quit the Company. I unhesitatingly chose the latter alternative, presuming that, as our Constitution and By-Laws were abolished, the Company could have no further claims upon me. Whether Mr. Reding has ever given birth to a new Constitution I know not, having no particular interest in enquiring. Every since the time alluded to above I have considered myself absolved from all obligations to muster in the company and have not considered myself as belonging to the militia company. These are, in brief, the grounds upon which I respectfuly solicit your Excellency to remit the fine imposed upon me.

The amount of the fine assessed against me is two dollars and fifty cents. It is a small sum, to be sure; but it is more than I am willing or able to pay unjustly and unlawfully.

With great respect, I have the honour to be, Sir, Your obedient serv't

DOUGLASS MAGUIRE

[Endorsed:] Remitted March 27th 1826

Amos Clark to Ray[1]

EVANS VILLE 6 Apl 1826

DR SIR The time will shortly arive when your duty will again call you to select from the bar some person to fill the office of circuit prosecuting attorney for this circuit The confidence which by my late appointment you expressed towards me[2] would seem to require an open and frank course of pro-ceding on my part with regard to my wishes in future on that subject. Who all will be candidates for that office in future I am unable to determin but thus far I have determined not to be an applicant my self— From what I can learn I believe Mr. Battell will probably be glad of the appointment.[3] Should his pretentions meet your approbation I am well convinced you could not sellect in this circuit one in whom the public could with more security trust her interest or one more deserving public patronage But of his standing as a gentleman & a lawyer you are too well acquainted to need any recommendation—I was not a little grateful and even proud at seeing your communication to the legislature at its commencement extracted and republished in a number of southern papers— I happened to be in the State of Mississippi at the time it made its first appearance in print and I assure you without flattery that it excited much attention in so much that I was proud to acknowledge you the governor of our state— I am equally gratified at the satisfaction which seems to pervade the state under your administration from the favorable commencement of which I look forward with no small degree of satisfaction to the future— The subject of politics seems to be almost forgotten— We have heard nothing on the subject as yet except from our congressional candidates who are Boon Blake and Shuler— What will be the result it is too early to determin Boon is not yet returned but he is not idle although at a distance—

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

[2] Clark had been appointed prosecuting attorney for the Fourth Circuit in 1824 and again in 1825. *Executive Proceedings, 1816-1836*, pp. 303, 304.

Respectfully I am your Excellencys obedt servt

AMOS CLARK

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[3] Charles I. Battell was appointed by Ray on August 14, 1826, for the Fourth Circuit. For other letters concerning Battell's appointment see *post,* 122-23, 131-33.

Ray: Proclamation Establishing Militia Brigades[1]

State of Indiana [May 23, 1826]
Executive Department

It is ordered by the Governor & commander in chief that the Militia within the Counties of Marion Hendricks Hamilton Madison & Shelby be organized into a Brigade to be known as the seventeenth Brigade. That the militia within the Counties of Decatur Rush and Henry be organized into a Brigade to be known as the Eighteenth Brigade—and that the fifteenth seventeenth and eighteenth Brigades form the Seventh Division of the militia of this state.

Done at Indianapolis the 23d day of May in the year 1826—the tenth year of the State, and of the Independence of the United States the fiftieth.

J. Brown Ray

Robert M. Evans to Ray[1]

Evansville May 23rd 1826

His Excellency James B. Ray

Sir A short time since I took the liberty of addressing you on the subject of the appointment of a prosecuting attorney for this circuit in which I recommended Mr. Samuel Hall of Princeton as a gentleman well qualified for that office. I find that Mr. Battell of Evansville is also an applicant and in justice to him I feel free to say that I consider Mr. Battell also well qualified for that office I believe each of those gentlemen well qualified, and I believe the appointment of either will give general satisfaction to the people. My whole object in writing this letter is to place those gentlemen in an equal point of view before you so far as my private opinion may be intitled to any consideration they are both my particular friends and I should feel unwilling to do, or say in behalf of one that

[1] DS. ISL:Archives Division, Militia file.

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[1] ALS. ISL: Archives Division, Recommendations and appointments.

which I would not do, or say on behalf of the other.[2] I am now living in Harmony and am much pleased with my situation and with the prospects before me. A considerable purging has taken place in the population of that place within the few months past (which bye the bye was much needed.) The population is now an industrious, orderly, well disposed people, generally, the many slanderous reports you may hear to the contrary nothwithstanding. We now challenge our friends or our enemies and all rational men to come and see and judge for themselves

I am in haste your sincere friend &c

R. M. EVANS[3]

The Secretary of War to Lewis Cass, James B. Ray, and John Tipton[1]

DEPARTMENT OF WAR 24th May 1826

TO HIS EXCELLENCY LEWIS CASS
" " " JAMES B. RAY, &
GENERAL JOHN TIPTON

Commissioners to Treat with the Miamie & Potawatomoie Tribes &c.

GENTLEMEN, The Sum of Fifteen thousand Dollars having been appropriated by act of Congress approved 20th Inst to defray the expense of holding Treaties with the Miamie and Potawatomie Tribes of Indians, and any other Tribes claiming lands in the state of Indiana,[2] the President of the United

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[2] For Battell's appointment, see *ante,* 121n.

[3] Evans joined the Owen community at New Harmony in 1825 and remained there until 1828. For a sketch of him, see *Journals of the General Assembly of Indiana Territory, 1805-1815,* edited by Gayle Thornbrough and Dorothy Riker (*Indiana Historical Collections,* vol. 32, Indianapolis, 1950), 972, and references listed there.

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[1] LS. NA:Indian Office, Letter Books, 3:93.

[2] Much additional material on the treaty negotiations may be found in *The John Tipton Papers,* edited by Nellie A. Robertson and Dorothy Riker (3 vols. *Indiana Historical Collection,* vols. 22, 23, 24, Indianapolis, 1942), 1:Ch. 5.

States has appointed you joint Commissioners, to carry into effect the object contemplated by the aforesaid act.

The time and place for holding these Treaties, are left to your discretion—It is desirable however that the trust be executed and reported to the Department on or before the first of November next.

You are required in no case to exceed the sum appropriated—to wit: Fifteen thousand Dollars, which is intended to cover all the expenses attending the negotiation, including your own pay as Commissioners, which will be at the rate of Eight Dollars, a day, whilst actually engaged in this service, and your necessary expenses attending the same.

You are authorized in regard to an exchange of Country to propose an exchange of land, (together with such other conditions as you may esteem it proper to recognize,) acre for acre, West of the Mississippi, and West and North of Missouri and Arkansas, confining the privilege of location to such lands as may not be previously disposed of, and to provide for the necessary supplies incident to the emigration.

Your bills on the Department for the means to carry the above negotiation into effect, will be honored. You will take care to accompany them with letters of advice.—

I have the honor, to be, &c &c.

James Barbour

David H. Maxwell to Ray[1]

Bloomington June 5th 1826

Dear Govr. It is not usual for me generally speaking, to interfere with matters which do not immediately concern me; but you must pardon me at this time for saying a few things in relation to the appointment of a prosecuting attorney for our judicial circuit. So far as I know Messrs Brown[2] and Whitcomb are the only candidates. Of Mr. Brown I can say nothing as he is a stranger to me; but my intimate acquaintance with Mr. Whitcomb justifies me in saying much in his favor.

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

[2] Not identified.

Mr. Whitcomb has now been a citizen of our state for several years past, and altho he has had to encounter every thing that the ill will and envy of an unprincipled *clan* in Bloomington could throw in his way, he has nothwithstanding triumphed over opposition, and he stands among the first lawyers at the bar in the courts where he practices, and is unquestionably as popular and influential in this and the adjoining counties as any other man whatever. We think here at Bloomington that our age and standing amongst the other counties of the state gives us some claim for public offices provided we furnish as *good materials* for office as other counties and without doing this we do not expect to be successfull—Mr. Whitcomb is a moral correct man, possessing an excellent classical education which he has acquired by his own application and industry and is in every sense of the word a gentleman; and I confess I feel solicitous for his prosperity, and welfare. In performing the duties of your office you should like St. Paul know no man as friend or foe but invariably consult the public good, yet nothwithstanding it must be agreeable to subserve the public good and at the same time oblige a friend and such to my knowledge has Mr. Whitcomb been to yourself[3]—In haste yours sincerely

D. H. MAXWELL

GOV. RAY

Ray to Lewis Cass[1]

INDIANAPOLIS June 15th 1826

HIS EXCELLENCY, GOVERNOR CASS—

DR SIR The last mail from the City of Washington,

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[3] James Whitcomb was appointed prosecuting attorney of the Fifth Circuit, August 14, 1826. *Executive Proceedings, 1816-1836,* p. 304. All of the recommendations from this circuit in the Governor's Recommendations and Appointments file were for Whitcomb.

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[1] ALS. NA:Indian Office, Letters Received, Michigan.

brought me intelligence that yourself, General Tipton the Indian Agent, and myself have been appointed commissioners to hold a treaty with the Indians in the State of Indiana this Summer, to endeavor to extinguish their title to all the Lands claimed by them within the State. As you are first named in the delegation Sir, I presume you are at its head; and I shall expect an early intimation from you, as to the time and place of holding this treaty.

If you will allow me to express my individual wish on the subject, I would be much pleased if the treaty could be held in the month of August; and early in that month. If it is necessary that we should meet to advise relative to the treaty, and to provide for Carrying it into effect, a meeting may be necessary. I will meet yourself and General Tipton at Fort Wayne or any other place, at such time as you may name.

Your own experience in Indian affairs, justly entitles you to the direction and management in a great degree, of this affair. It will be gratifying to me to receive advice from you, as to the course to be pursued. Let me also learn your views in detail of this business.

My Own Opinion, however, is that we can not fully understand each other without an interview; and if you think with me, and will appoint a time, I will be with you. Considerable provision is necessary, which may be difficult to arrange, by letter.

Be pleased to let me hear from you by the first mail.—

I have the honor to be Sir, very respectfully Your Obt. Servt.

James B. Ray

[Addressed:] His Excellency L. Cass, Governor of Michigan, Detroit

[Endorsed:] June 15, 1826 From Jas. B. Ray, Relative to preparation for the Fort Wayne Treaty.

Lewis Cass to John Tipton and Ray[1]

DETROIT June 16, 1826

GENTLEMEN, In the execution of the commission in which we have associated to procure a cession of title in Indiana, it becomes necessary for me to address you now, as I am upon the point of leaving here for the Upper Lakes.

The sum of $7500 has been placed to the credit of the Commissioners in the U. S. Branch Bank New York. This sum I have drawn, and paid over to Maj. Forsyth,[2] and I have also prepared and signed drafts for the remainder of the appropriation. I propose to you, that he be selected as special commissary, accordg to the usual practice, and that all the expenditures for the treaty should under our direction, be made by him. This course will relieve us from all pecuniary responsibility, and enable us by certifying the accounts for him, which we could not do for ourselves, to pass them at the treasury. If you approve this course, you will please to sign the drafts he carries. I have already caused him to give receepts for the whole amount. He will make arrangements to check upon New York for all sums required.

It appears to me it would be proper to instruct him to receive proposals & to close a contract for the necessary supplies. Notice should be given in the principal publick papers. It will be better, that the contractor should issue upon return only, and that his accounts should be upon the returns. The U. S. will thus lose nothg. I think 150 barrels of flour & 30,000 pounds of pork beef, with a reasonable quantity of salt will be sufficient. But the contract should be for more, if more be wanted. Should you coincide with me in opinion upon these points, please to sign the drafts.

Mr. Kercheval appears to me the proper person to supply the table and to prepare everything necessary for the Commissioners & persons required to attend the treaty. I accordgly propose him for those objects.

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[1] Copy. NA:Indian Office, Letters Received, Michigan.

[2] Maj. Robert A. Forsyth, secretary of the Indian Department of Michigan Territory. *John Tipton Papers*, 1:373n.

On the subject of a Secretary it is due to the State, that he should be from Indiana, and it is therefore proper that the nomination should be made by you. I shall cheerfully assent to any appointment you may make. If you agree the thg may be considered as done. If you do not agree in opinion, and either of you should be in favour of Gen. Evans, I should then vote for the selection of that gentleman.

I coincide with Gen. Tipton, in the opinion, that the first day of October would be a proper time for the commencement of the treaty, & without some unforeseen accident prevents me, I will be there on that day. As the Commission is joint & not joint & several, it is very important, that we should be punctual in our attendance.

The place I am willing Gen. Tipton should select. It ought to be far enough within the Indian boundary to give us the entire control of the persons about us, so that we may be enabled to keep whiskey from the Indians.

There are no regular troops within reach of this quarter & a militia guard would injure rather than benefit us. Ten or a dozen faithful men, specially employed to preserve order & to keep improper persons from the ground, would be more useful to us, than any other force we could procure. They might be called out a few days before the time of meetg.

Ray to John Tipton[1]

INDIANAPOLIS June 16th 1826

GENERAL JOHN TIPTON

DEAR SIR The last mail brought me authority from the War Department, to act in conjunction with yourself and Gov: Cass, in holding a Treaty with the Indians to extinguish their title to lands within the State of Indiana; with directions to report the same to that Department by the first of November.

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[1] ALS. ISL:Tipton Papers.

Allow me, Sir, to express my wish that the treaty may be holden in the month of August, and as early in that month as practicable; as I shall be otherwise engaged after that time.

Governor Cass being first named in the Agency, I presume he will stand at the head of the delegation, and inform us immediately as to his wishes; and name a time & place for us to meet to make arrangements. It might be well for you to embrace the earliest Opportunity to write to Govr. Cass on the subject; and if it is necessary to have a meeting to consult on measures to effect the treaty, I will with pleasure attend at any point that may be named.

Write me by the first Opportunity.

I have the honor to be Very respectfully Your Most Obt. Servt.

J. BROWN RAY.

[Addressed:] General John Tipton Fort Wayne, Indiana

Ray to John Tipton[1]

INDIANAPOLIS June 26th 1826

GENERAL TIPTON,

DR. SIR I addressed you by the last mail without knowing that I should have a private opportunity of doing so. Allow me the liberty of again writing you a line.

You have learned I presume that yourself Govr. Cass & myself have been appointed Diplomatic Agents of the President, to hold a treaty with the Indians.

My wish would be, unless the Interest of the government should be effected, that the treaty may be holden, commencing in August and terminating in Sept. I think a meeting of the Commissioners necessary to make arrangements. If you think with me, I will attend at Fort Wayne or any other place you or Govr. Cass may name, and at such time as you designate. The sooner the better. Contracts must be made, and the contractors should be appointed. Col. Gregory is an applicant to furnish

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[1] ALS. ISL:Tipton Papers.

Beef. It is thought that some point on the Wabash will be the most eligible place for the treaty. If Governor Cass cannot attend, perhaps he would like for us to make arrangements. I do not see how we can do so without a meeting. We might meet at Fort Wayne soon. If you will take it upon yourself to notify Govr. Cass & myself of a time to meet at Fort Wayne I will be there. Let it be as soon as possible, and write me by the bearer.

Do not feel any delicacy in complying with my request, as some one must bring us together. Arrangements should now be made to convene the Indians also. I feel anxious that we may succeed in procuring their lands, but this is with you & us.

I have the honor to be Very respectfully Your Obt. Servt.

J. BROWN RAY

GENL JNO. TIPTON

[Addressed:] Genl. John Tipton, Fort Wayne, Indiana
[kindness of] Mr. Conner

Ray to John Tipton[1]

INDIANAPOLIS June 29th 1826

GENERAL TIPTON

SIR, A few days ago I put a letter into the hands of Mr. Connor, with directions to have it handed to you. Learning since that time that Governor Cass has gone on a mission to Lake Huron, and will not likely return to aid us in making the necessary arrangements, I have thought fit to address you another note.

In my last I remarked that I thought a meeting necessary, in order to make arrangements for the treaty. I still think so. I also stated that if you would name the time, that I would be with you at Fort Wayne. I would still be willing to attend there, if you should insist upon it. But as Governor Cass cannot in all probability attend with us, I would much prefer meeting you in Wayne or Fayette counties, at Centerville or

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[1] ALS. ISL:Tipton Papers.

Connersville. I mentioned Fort Wayne before I had learned that Governor Cass was absent, believing it to be the most central.

If you will now name the time when you will meet me in Wayne or Fayette, I shall be much gratified; as I must shortly go in there; and the time is not material. I desire that you may appoint the time, that I may receive a letter from you by Mr. Connor, who will immediately return. We shall have many things to consult about, which we can never arrange by correspondence. It is therefore unnecessary for me to intimate any particulars. If you could meet me at Connorsville about the 20th July, I would be much accommodated as to time and place.—

Let me hear from you by the bearer. I have the honor to be, Sir, very respy. Your Ob. Servt.

J. BROWN RAY

GENERAL TIPTON

[Addressed:] General John Tipton Indian Agent, Fort Wayne, Allen County, Indiana.

Thomas Fitzgerald to Ray[1]

ELLIOTVILLE, WARRICK COUNTY, IND. July 7th 1826

TO HIS EXCELLENCY JAMES B. RAY

DEAR SIR—The remission of Mr. Day's fine,[2] and the appointment of Mr. Elliot, as surveyor,[3] are favors which are duly appreciated—There will be a petition forwarded to your Excellency for the appointment of Jason Duncan to the office of notary-public. I do not know that any individual in this county, would (or could reasonably) object to it, as his character and qualifications justly entitle him to a more honorable and more profitable station, and which in my opinion he could easily obtain, were he to attempt it—.[4] There is another subject that I consider of more importance, and about which, I feel some anxiety; I mean the appointment of our Circuit Prosecutor—Hall & Battell[5] are the only candidates, and as they are both well qualified, and have many friends, the probability is, that each will be well recommended, and that the mass of the people would be satisfied with either—but my duty to *you,* to myself, and to others, whom I know are your *friends,* requires that I should inform your Excellency that Mr. Battell's opinion with regard to your talents &c has undergone a change, that he is not now considered as belonging to any *political club,* and I am authorized to say, that his influence will be exerted in the support of your Excellency's administration so far as it is calculated to promote the public good, nor does he deny the constitutionality of your late Administration, or the validity of your official acts—

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[1] ALS. ISL:Archives Division, Governors' file.

[2] Reference is to the remission by the Governor on May 30, 1826, of $20 of a fine imposed on John D. Day of Warrick County for assault and battery. *Executive Proceedings, 1816-1836,* p. 330.

[3] Chester Elliott, commissioned surveyor of Warrick County, April 27, 1826. *Ibid.,* 642.

I believe that your friends in this Circuit generally would approve of the appointment of Mr Battell, and in Posey where you recd but few votes the people would be very much gratified, and most of your political enemies in this Circuit, were in favor of his being elected President Judge, and consequently can not find fault with his appointment as his character stands equally fair at this time—There can be no danger in appointing Battell, as he is certainly as well qualified as Mr Hall, and has as many, or more friends among the people of this Circuit. he is your *friend* and will hereafter in all probability be of service to you and to the state by conteracting by his influence the effect which your enemies have tried to produce in the public mind by charging you with usurpation, violating the constitution &c. &c. here permit me to state that Judge Goodlet who is our mutual friend, has informed me that he did not know untill lately that Mr Battell would be a candidate, that although from personal considerations he should prefer Mr Hall yet he should not object to the appointment of Battell—I respect Mr Hall, and would have remained silent, if with regard to politicks, he had occupied the same ground as Battell.—It is now pretty certain Coln Boon will be reelected by a very large majority to the next Congress—Genl Evans haveing declined being a candidate for the U.S. Senate, it is probable that Judge Blackford will call on his friends once more, and were he to resign his office of Judge he would be well supported in this section of the state, but I understand some of his friends have advised him to hold fast to what he is already in possession of—

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[4] Duncan was commissioned a notary on July 31, 1826. *Ibid.*

[5] For Battell's appointment, see *ante,* 121n. Samuel Hall was elected president judge of the Fourth Circuit on December 12, 1831, and served until 1835. *Ibid,* 307, 310.

It is most probable that all the old members in this circuit will be reelected to the legislature except Genl Evans, who is not a candidate—in Gibson Genl Wilson will probably be elected to the lower house and Judge Montgomery to the Senate—Daniel and Richardson have no opponents—a consolation that I do not enjoy—McMahon opposes Johnson—I do not know who opposes Stewart—Beckes & Moffit have strong opposition—I would be glad to hear from other parts of the state on that subject, and will thank you to write so soon after the election as you ascertain who is elected—

Be pleased Sir to accept the assurance of my sincere friendship

THOS FITZGERALD

Ray to James Shriver[1]

INDIANAPOLIS July 10th 1826

SIR, Permit me to assure you that I received your very kind communication of the 4th Inst. dated at Brookville (Ia) which is now before me; and read its contents with much satisfaction; in which you state that at the request of the Whitewater Canal Company,[2] you attended a meeting with them on the 1st inst. and had a full understanding as to their views and opinions in relation to the surveys which have been intrusted to your care in this state; and that you find it will be in accordance with their views, and incline to believe it will also meet the wishes of the people of that section of the state, to have the first examinations on Whitewater &c.—You also desire that I should express my opinion &c.

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[1] ALS. ISL: Indiana Division, Miscellaneous Personal MSS.

[2] The Whitewater Canal Company was incorporated by act of the

I would do injustice to my own feelings, Sir, if I did not, before I proceeded to answer your letter, congratulate you upon your arrival within the state of Indiana, with your replete powers and enlightened views, to lay the foundation of an enterprize, which will be hailed by an intelligent community with the most undivided applause. I most heartily wish you success in every step you take, and hope for the ultimate consummation of the people's wishes, as to every movement which is made to improve this country.

You are the first regular Engineer, Sir, that has ever operated in this state; and you find us in the midst of a wilderness. By the time you shall have finished your labour with us, you will say that artificial aid is essential to our greatness, whilst you must admit that nature has been prodigal of her bounties and wise regulations.

I much regret that the pressure of your duties did not allow you time to visit our new metropolis. I should have been equally delighted in having an interview with you: And although my inexperience in the affairs of your station, might not have been of much service to you, yet I would willingly have seized every opportunity to give you any information within my power, that would in the least have tended to

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General Assembly, approved January 21, 1826. *Laws of Indiana*, 1825-26, pp. 29-36. In May Senator Hendricks wrote: "It is the intention of the War Department to detail an engineer of the United States to survey canal routes in our state, during the present year. He will be especially directed to make surveys and estimates of the White Water canal, and of the Wabash canal as soon as the extinguishment of Indian title on the northern margin of that river will make it advisable that the work be commenced." Esarey (ed.), *Governors Messages and Letters,* 3:342-43. The engineer appointed was James Shriver.

facilitate your mission, and make your services prosperous and beneficial.

As for my own part, I have no special predilections in favour of either of the contemplated canals, which you are authorized to survey in this state. I think that the projects of connecting the waters of the Wabash with the Mamee of the Lake, and of making the waters of the Wabash mingle with those of the Ohio, through the valley of Whitewater, by artificial channels, noble designs; and deserving the patronage of the offices of the state and federal governments. But whilst I express this opinion as to the general utility of both projects, I cannot with candour withhold from you my belief that the Wabash canal is more completely within the present means and resources of the state than the Whitewater canal. Whilst there is a prospect of having the Wabash canal, commenced under the auspices and aid of both the state and general governments, as a work of national importance, it is too probable, that the other, will be forced to rely upon corporate enterprize for its final success.

As there is a company incorporated to devise ways & means for the Whitewater canal, I would respectfully submit to your consideration the propriety of progressing in that work as you have commenced, until you ascertain the *practicability* or impracticability of the project, and when that is done, leave it for the present season, and repair to the Wabash country to commence operations there.

It would unquestionably be gratifying to the people in that part of the state, and perhaps of general interest to the state to have the survey & estimates made of that rout this season, if time will permit. But one solid objection presents itself to my mind, which is, that the Indian title to the lands through which the rout would pass is not yet extinguished, yet I am inclined to believe they would not object. I think that your chance for health will be as good near the Wabash in the fall, as in the Eastern part of the state.

My knowledge of your business will not justify me in laying down to you who are so well acquainted with it, a general plan of operations; but at your request I have ventured some opinions which may be useful to the state over which I have the honor to preside.

It would certainly give me much pleasure, Sir, to visit your camp, which I hope to do, before you terminate your labours.[3] And if you conclude to visit the Wabash country this summer it will be expected that you will certainly visit our young Emporium.

I shall be pleased to correspond with you on any subject that may be serviceable or agreeable.

I have the honor to be Sir very respectfully your most obt. servt.

JAMES B. RAY

JAS. SHRIVER ESQR U. S. Engr.

Allow me, Sir, to remark further, that there is to be a treaty with the Indians this fall, I think in September, and if your operations in the Wabash country could be suspended until after that time, it might have a salutary influence upon that negociation.

[Addressed:] James Shriver Esqr. U. S. Asst. Civl. Engr. Winchester, Randolph County, Indiana

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Ray and John Tipton to the Secretary of War[1]

INDIANA, INDIANAPOLIS, July 14th 1826

HON: JAMES BARBOUR, Secy of War:

SIR, As Commissioners appointed by the President of the United States through the War Department to treat with the Indian Tribes within the State of Indiana, for Lands to which they claim title therein, we beg leave to state, that should the proper Department of the General Government not

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[3] An unsigned letter written on July 18, 1826, from Shriver's camp on White River, Randolph County, tells of the visit of Governor Ray and John Tipton to the camp. Reprinted in Indianapolis *Indiana Journal,* September 12, 1826, from the *National Intelligencer.*

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[1] LS. NA:Indian Office, Letters Received, Indiana.

think proper to order the Executive of this state to call out a sufficient force of its militia, to preserve the deliberations of the treaty and to keep order amongst the powers with whom we are to treat, that in this event, we would respectfully request the Secretary of War to place at our disposal a box of muskets to the amount of about fifty, to be taken to the place appointed for holding the treaty, and there used as emergency's may require.

We have the honor to be, Very respectfully, your Most Obt Servt

J. Brown Ray
John Tipton

(NB) We would ask leave further to suggest, that an order upon the Quarter master at Detroit to deliver muskets to Major Robert A. Forsythe of that place will effect the object of this communication should that course be adopted.[2]

J. Brown Ray
John Tipton

[2] See C. Vandiventer to Ray and Tipton, August 4, 1826.

Ray to Lewis Cass[1]

Indianapolis, Indiana, July 15, 1826

His Excellency Lewis Cass,

Sir, Allow me to acknowledge the receipt of your communication by the hand of your private Secretary, R. A. Forsythe. The two Commissioners associated with you, to hold the treaty with the Indians for Lands within the State concur with you in the nomination of Major Forsythe, as Commissary, by associating with him James Gregory & Martin M. Ray.[2]

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[1] ALS. NA:Indian Office, Letters Received, Michigan.

[2] Gregory and Martin M. Ray were selected to provide beef, pork, and flour during the treaty negotiations. *John Tipton Papers,* 1:545, 566. Gregory, of Shelby County, was a member of the state Senate. Martin M. Ray, of Fayette County, was a brother of Governor Ray.

We also concur in your nomination of Major Kerchivall[3] to make arrangements and furnish the Commissioners table. General Tipton and myself cannot agree on a Secretary or Asst. Secretary. We have, however, agreed that Col. Marshall of this State shall attend, and that Mr. Ray of this place shall also attend, under an expectation of their appt.[4] Major Forsythe can inform you what has been done in making arrangements for the treaty. I regret very much that we had not the benefit of your personal counsel and advice in making the arrangements.

I have the honor to be Sir, very respectfully your Excellency's most Obt. Servt.

J. Brown Ray.

Govr. Cass

[Addressed:] His Excellency Lewis Cass Detroit Michigan

[Endorsed:] July 15, 1826 From J. B. Ray. Relative to arrangements for holding Fort Wayne Treaty

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Isaac Colman to Ray[1]

[July 25, 1826]

To His Excelency James B Ray

Sir The election as you are aware of has taken place in this county for county officers and commissions have been issued for them with the exception of the clerk and recorder the election in relation to this office was contested and the contest tried by the justices who [had] *them selves* been elected at the same election the aggregate votes received by Paine was 125 by White 139 and in one of the districts Paine received 11

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[3] Benjamin B. Kercheval, Indian subagent at Fort Wayne. *Ibid.*, 1:298n, 543-44.

[4] William Marshall was appointed secretary to the commissioners and James M. Ray (no relation of Governor Ray), assistant secretary. Proceedings of the treaty negotiations in *ibid.*, 1:577; Charles J. Kappler (ed.), *Indian Affairs, Laws and Treaties* (2 vols. Washington, D. C., 1904), 2:276. Marshall was a member of the House of Representatives from Jackson County. Ray lived in Indianapolis.

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[1] ALS. ISL:Archives Division, Election Returns.

and White 70 votes in the *latter* district one person voted who was not a qualified voter and this was the ground of the contest, and also that one ticket had been thrown away by the judges of that district but the case was altogether abandoned there being no evidence of the fact. It was proved before the justices that *one* person not a qualified voter did vote, but there was no proof that the Inspector judges of election or either of them knew that the person was not qualified nor was it attempted in the least to prove that there was any *malconduct* or *corruption* in the judges or inspector but it was stated as being positively the fact that you had said *in relation to this contest* that the *one* bad vote given by the unqualified voter would set aside *that whole district* two of the Board of Justices were opposed and gave their vote against breaking the election, in as much as White had a majority of qualified votes after deducting the bad vote alluded to.—but the other three decided that the election for clerk and recorder should *be set aside* These facts the ground of contest, and the decision, will appear by documents from the clerk—now the questions to be submitted to your Excelency are,—could the Board of Justices set aside the election for the grounds above stated, they themselves holding their power in virtue of the same election—could the Board of Justices, under the statute on the subject, set aside the election in any case with a view a new election? and have you power by law to issue another writ of election? It is a fact not to be disputed that Mr White received fairly a majority of the votes given at the election, and that in justice he is intitled to the office, and if you should be finally of the opinion that the Board of Justices have acted in this case wrong though being authorised by law so to act, and that they have been wrongly informed as to your opinion, you may consider this as the certificate of Mr White's election for clerk and recorder and will please issue his commission accordingly. If on the other hand you should decide that they have acted legally it is expected by the people as a matter of course that you issue another writ of election. These matters are very respectfully submitted to you for your decision, and this statement of facts is to be considered as one coming from me officially

FOUNTAIN COUNTY July 25th 1826

if you issue another writ of election have the goodness to do it as soon as possible[2]

Your friend & servant

ISAAC COLMAN
Shff of F. C.

William C. Keen to Ray[1]

VEVAY July 25 1826

SIR The office of Notary Public has been vacant for a long time in Switzerland county I was appointed by Gov. Jennings in 1818. as there are calls occasionally for the services of that officer, I would accept of the appointment if you would confer the same on me. I will, on the receipt of the commission forward a bond with Judge Dufour and John F. Siebenthal security.

Yours &c.

WILLIAM C. KEEN[2]

NB. Electioneering is getting pretty high with us again—Smith will hold Test[3] a warm race in Switzerland county, I think from present appearances. K

[Endorsed:] appointed by the Governor 31st July 1826

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[2] A new writ for the election of clerk and recorder was issued on August 8 by the Governor. What happened to this one is not known, but another writ was issued on September 20 for election of a clerk and on November 25 a writ was issued for the election of a recorder. William B. White was commissioned clerk on November 29, 1826, and Anson Cone recorder on February 12, 1827. Cone and White had tied for the office of recorder, and Cone was chosen by lot. However, before he was sworn into office he died. A new election was ordered and held on April 28, 1827. White was elected and commissioned May 25. *Executive Proceedings, 1816-1836,* pp. 659-60.

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

[2] Keen was commissioned notary on July 31, 1826. *Executive Proceedings, 1816-1836,* p. 617.

[3] Oliver H. Smith and John Test were candidates for Congress. Smith was victorious.

Ray to the Secretary of State[1]

EXECUTIVE DEPT. July 31st 1826

W. W. WICK ESQR. Secretary of State,

SIR, You will please to make out a commission for Amos Lane, as Circuit Prosecuting Attorney for the 3rd Judicial Circuit, Inda, until the next meeting of the General Assembly, in the place of Oliver H. Smith resigned.

Yours &c

J. B. RAY

DAVID HILLIS TO RAY[1]

MADISON August 1st 1826

DEAR SIR You will pardon me for troubling you with a line on the present occasion.

I understand that Mr. Kingsbury has been making all possible industry, & presented you with numerous dockuments in order to obtain from you the appointment of circuit prosecutor, this is what might have been expected as he must have thought [h]is case a doubtful one—but not withstanding all the exertions of Mr. Kingsbury & his friends I have every confidence in the appoin[t]ment of our friend Genl. Stapp. It would be useless for me to pretend to give you all the reasons why he ought to be appointed for you are as well acquainted [with] him as any other person. he has declined being a candidate for the senate. his & your enemies here would exult in the event of his defeat & say that he was defeated all together having declined the senate for the purpose of being appointed c. p. Many of those who press the appointment of Kingsbury are not your friends, whilst those who ask you to give it to Stapp are your friends. The citizens of this county are anxious that you should confer the appointment on him—[2]

[1] ADS. ISL:Archives Division, Governors' file.

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

[2] There are many letters recommending both John Kingsbury and

Doctor Canby if at home will address you on this subject
You are regaining your popularity here &c
In hast yours respectfully

DAVID HILLIS

HIS EXCELLENCY J. B. RAY

C. Vandiventer to Ray and John Tipton[1]

DEPARTMENT OF WAR, 4: August, 1826

TO HIS EXCELLENCY J. B. RAY, } Commrs &c.
GENL. JOHN TIPTON }

GENTLEMEN, I have the honor, in the absence of the Secretary of War, to acknowledge the receipt of your letter of the 14th ultimo.

Under the impression, that the attendance of a Military force at the treaty to be held with the Indians in Indiana would not be necessary, it appears that no provision for such an object was included in the estimate, on which the appropriation was made, by Congress, for holding the treaty. The correctness of this impression is confirmed by the opinion of Governor Cass, which is communicated in a letter received from Colo. McKenney after his arrival at Detroit. If, therefore, militia be ordered out, it is presumed, that the additional expense which it will necessarily occasion, will be paid by the State; otherwise the appropriation for holding the treaty will be inadequate for its object. I have, however, transmitted your letter to the Secretary of War, to obtain his directions on the subject, and also in relation to your request for arms, which will be communicated to you as soon as they are received.

I have the honor &c. &c.

C. VANDIVENTER.

Milton Stapp for appointment as prosecuting attorney of the Second Judicial Circuit. Stapp received the appointment on August 14, 1826. *Executive Proceedings, 1816-1836,* p. 304.

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[1] NA:Indian Office, Letter Books, 3:155-56.

Ray: Statement Denying Report Relative to Calling Out Militia[1]

[August 15, 1826]

Indian Treaty.

To the Public.—Some persons unknown to me, have put a report in circulation that I have ordered two companies of Militia, one in Brookville and the other in Connersville, to hold themselves in readiness to attend the contemplated treaty this fall, (*for a purpose best known to themselves;*) which has brought and is daily producing numerous applications from all quarters of the state, to me, for similar orders. Wherefore, I consider it my duty to correct the error, by giving the report a positive negative; and to state that I have no authority to make a requisition upon any portion of the Militia in the state for this purpose.

James B. Ray

[1] Indianapolis *Gazette*, August 15, 1826.

Mason C. Fitch to Ray[1]

New Albany Aug[ust 1826]

His Excellency J. B. Ray

Sir—I have heretofore held the commission of Notary Public for the County of Floyd. Having lost that Commission I am uncertain whether it has not expired. The office is really of little consequence, yet as I have been at some expense in procuring a proper seal &c. for which the avails of the office heretofore has hardly remunerated me, I should feel obliged to receive a commission for that office, if it is perfectly consistent with your feelings. Mr. Graham[2] our senator informed me that he spoke to you last winter, and that you told him you would forward a commission to me. None having been received, perhaps I ought to infer that you did not intend to give me the appointment. Was I [certain that] such was the fact, I would

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[1] ALS. ISL:Archives Division, Governors' file.

[2] John K. Graham.

[not bother] you now; but from the fact that [no comm]ision for that office has been [received] by any other person, I am inclined to believe that you have forgotten the application, and therefore determined to address you this letter.—

Respectfully your obt servt

MASON C. FITCH

[Postmarked:] New Albany Ind August 19th 1826
[Endorsed:] Appd Notary Public[3]

Ray to John Spencer, Excerpt[1]

[SEPTEMBER 2, 1826]

SIR.—Last spring I had the satisfaction to hope and believe, that it would be practicable for me to pay a personal visit, this fall, to all the Regiments, when on duty in the Eastern Section of the State of Indiana; and made my arrangements, by the kind leave and attention of Commandants of Brigades, accordingly; not knowing at that time, that my services would be required at this particular juncture, on other occasions. In the month of October, however (the time specified by law for Regimental Musters) I Shall be in the Indian country negotiating a treaty with the natives of the forest, for one of the finest regions of the west—a country that will at some future day contain millions of freemen—a country vastly superior to any thing that has ever been conceived of it—a country unsurpassed in fertility, and abounding with privileges and useful appendages.

[3] An appointment as notary for Fitch is recorded in the Executive Proceedings on August 26, 1826.

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[1] Lawrenceburg *Indiana Palladium,* September 23, 1826.

Excerpts from Proceedings of the Potawatomi and Miami Treaty Negotiations[1]

[September 20—October 23, 1826]

RECORD OF THE PROCEEDINGS OF HIS EXCELLENCY, LEWIS CASS, HIS EXCELLENCY, JAMES B. RAY, GEN. JOHN TIPTON—COMMISSIONERS, appointed to treat with the Indians owning lands in the State of Indiana, in the year 1826.

CAMP AT PARADISE SPRING—ON THE WABASH.—

September 20, A. D. 1826.—

Gen. John Tipton, one of the Commissioners appointed to treat with the Indians owning lands in the State of Indiana, arrived in camp with John B. Boure, Interpreter and Anthony L. Davis, Secretary pro tempore to the Commissioners.—

September 23, 1826.—

Gov. James B. Ray, another of the Commissioners, arrived in camp with William Conner, Interpreter.—

. . . .

October 11. A. D. 1826.—

A Council was opened at the Council House at the Encampment, the Chiefs, warriors and principal men of the Pottawattamie and Miami tribes of Indians, with some of the Weas and Ottowas, being present, and on the part of the United States:

Gov. Lewis Cass,
Gov. James B. Ray,
Gen. John Tipton—
Commissioners

. . . .

Gov. Ray, addressing the Miamies, replied.—

"Listen, and we will answer your questions. Your talk is ingenious, but will not bear the test.—The Great Spirit placed the white man on this island, as well as the red man.—It was also his will, that the red man should diminish in numbers, but that the white men should greatly increase—. This is the natural result of things, and not the fault of the white men.—

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[1] Copy. NA: Indian Office, Letters Received, Indiana.

"You ask us, whether we wish you to live or perish: on this subject we have but one answer to give you and that is from the heart, that we wish you and all your posterity to live—To prove this, look at facts—. If we did not wish you to live, and had not a due respect for you, why should we come to you to negociate with you peacably—The numbers of the white men are like the trees in the forest, and our power is equal to our numbers.—We could take possession of your country by force and hold it, if we did not respect your rights.—["]

. . . .

October 12, 1826.

. . . .

Gov. Ray, addressing the Pottawattamies:—

"I have a few remarks to make to you. We are glad that your generosity has led you to agree to let us to have a part of your lands.—We ask you for the whole, and you have given us a part.—We will take your offer into consideration, and when we determine what we can give for it, we will again call you into council.—

"Although we respect your liberality and generosity, we would have been better satisfied, if you had given us a larger tract of country than you have offered.—We will give you more for what you have offered us, provided you will consider again before we meet, and enlarge your propositions.—We wish to make a road from Indianapolis, our great village, to Lake Michigan.—["]

Au, ba, nau, bee, arose:—

"Father, you have heard me already what we have to say.—We have nothing more to say to you. We have considered already your proposition, and we do not wish to hear any more propositions here now.—We did not come here to say much at this time.—["]

Gov. Ray.—

"We do not wish you to answer any new proposition now.— Our object was simply to make some remarks to you for your consideration, if you are willing to hear them. ["]

Au, ba, nau, bee.—

"When we met here our ears were wide open to hear—our eyes were open to see.—We heard your proposition—we have answered you.—we have said all we have to say. You have listened—. What is the reason you cannot hear?—["]

Gov. Ray.—"If you do not wish to hear us, we do not wish to speak.—"[2]

. . . .

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[2] The complete report of the proceedings of the treaty negotiations is given in the *John Tipton Papers,* 1:576-92.

A treaty was concluded with the Miami on October 16 and with the Potawatomi on the 23d. Texts are given in Kappler (ed.), *Indian Affairs. Laws and Treaties,* 2:273-81. The territory actually ceded by the Indians was small. The Potawatomi surrendered a small tract of 276,000 acres fronting on Lake Michigan and the Miami and Potawatomi surrendered joint ownership of between 650,000 to 700,000 acres in a long strip north of the Wabash. Within this the Miami retained about 95,000 acres for special groups and individual reserves. *John Tipton Papers,* 1:15-16. Governor Ray's estimation that the cession would total two to three million acres was an exaggeration. See *post,* 175.

The important features of the treaties were the provisions made for the Wabash and Erie Canal and the Michigan Road. The Miami treaty provided that the state of Indiana might lay out a road or canal through the Miami reserve, and the Potawatomi treaty made a land cession for a road from Lake Michigan to the Ohio River. This latter provision was contained in Article 2 which reads as follows: "As evidence of the attachment which the Potawatamie tribe feel towards the American people, and particularly to the soil of Indiana, and with a view to demonstrate their liberality, and benefit themselves by creating facilities for travelling and increasing the value of their remaining country, the said tribe do hereby cede to the United States, a strip of land, commencing at Lake Michigan, and running thence to the Wabash river, one hundred feet wide, for a road, and also, one section of good land contiguous to the said road, for each mile of the same, and also for each mile of a road from the termination thereof, through Indianapolis to the Ohio river, for the purpose of making a road aforesaid from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river."

Ray took particular credit for this provision and the Indianapolis *Gazette* acknowledged his efforts: "This will be doing more for Indiana, should this article be ratified, than we can prudently, at this time define. It is evident, however, that our chief magistrate is alive to the interest

Ray to Henry Clay[1]

INDIANAPOLIS, INDIANA, NOV. 10th, 1826

HON. HENRY CLAY,

SIR: As a *friend* to the Administration of the General Government, I have taken the liberty to make some suggestions, on a subject of great importance to Indiana, and which may not be uninteresting to you.

By the late Treaty with the Potawattamies Indians in this State, in which I had the honor to be concerned, you will perceive an Article, which grants to the United States certain lands for a road, from Lake Michigan to the Ohio River. Let me assure you, that the people of Indiana are *all* alive to this project, and are anxiously looking for its ratification by the Senate. All parties here, as if by a general impulse, unite in this measure. It was placed in the treaty, from a belief, that it was an object worthy of the consideration and patronage of the Nation. A map of the United States, will demonstrate its importance in a National point of view. But, what I wish to call your attention to, is, the *occasion,* which this Article will furnish to Mr. Adams to make an expression of his friendship to Indiana, and the political effect of such an expression in his message. Never was there anything more popular in Indiana. And situated as politics are in this State, should the President *recommend* the adoption of this Article, it would at once make *that certain* here, which the Jacksonians say is doubtful. The recommendation of the President might have a good effect in the Senate. Would it not bring out the opposition against the

of both General and State Governments. The whole treaty seems to be an advantageous one for both." Issue of November 7, 1826.

The above quoted article was ratified, but the following clause which was appended to it was struck out by the United States Senate. "And the General Assembly of the State of Indiana shall have a right to locate the said road, and to apply the said sections, or the proceeds thereof, to the making of the same or any part thereof; and the said grant shall be at their sole disposal." Kappler (ed.), *Indian Affairs. Laws and Treaties,* 2:274. The Senate later restored this power to the state. *Post,* 179n-80n.

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[1] Typed transcript, IHS.

measure? Would not the friends of Gen. Jackson oppose the ratification, from a fear that its success might serve Mr. Adams' cause in Indiana? Should they do so, it would be the *very means* of placing Mr. Adams high in the affections of the people. It might then well be said that Gen. Jackson's friends are enemies to our best interests. I hope that the President will take advantage of this opportunity of securing this State. If it were not an object so desirable, in so many points of view, I should not be so importunate.

Pardon the freedom which I have taken, in making these intimations, and believe me to be ready to serve you, when ever occasion offers.

I have the honor to be, Sir, Very respectfully, Your Most Obedient Servant,

J. BROWN RAY

George A. Phelps to Ray[1]

MARTINSVILLE IA NOV. 13th 1826

DEAR SIR Being frequently solicited by the people of this County (Morgan) I take this method of informing your honor of the absence of one of our Associate Judges Judge Samuel Reed left the County last winter for the City of Orleans and has not yet returned and know account of him; it is now supposed he will not return soon if he does at all, and the people have been much difficulted for the want of an other Associate Judge as there is but one in the County—It appears to be the general wish of the County that your honor should order an election to fill his vacancy as soon as practicable.

Yours with due respect &c

GEO. A. PHELPS Sheriff of Morgan County

[Endorsed:] Morgan County Writ of Election to issue—Issued Nov 20 1826[2]

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[1] ALS. ISL:Archives Division, Resignations file.

[2] Jared Olds was elected associate judge and commissioned on January 12, 1827. *Executive Proceedings, 1816-1836,* p. 535.

Ray to the Secretary of War[1]

INDIANAPOLIS, INDIANA, November 20, 1826

SIRS Allow me at this late period to acknowledge the receipt of your communication of the 11th of July last,[2] accompanying a series of inquiries relative to "a complete system of cavalry tactics, and also a system of exercise and instruction for field artillery, including manoeuvres for light and horse artillery," which by a resolution of Congress at their last session you were enjoined to cause to be prepared. Absence on public business is the only apology I can offer for not attending promptly to your interesting letter. Nor have I it now in my power to make a satisfactory response to all your interrogatories, but will freely give you such information, in a succinct manner, as the facts known to me will justify.

To your first inquiry I will answer that the number of efficient militia in the State of Indiana at this time may be fairly estimated at forty thousand.

To your second inquiry I have the honor to say to you that our militia laws have provided for the organization of the militia of the State in strict conformity to the law of Congress, making that system of tactics and the rules and regulations of the army of the United States their guide; but the law is too frequently violated by the obtrusion of other systems, in favor of which some officers entertain strong prejudices.

To your third question I have no difficulty to answer in giving it as my opinion that the regular militia are the most efficient. Those that volunteer, in most cases, have but little to stimulate them to great efforts, whilst the regular militia have homes and families and the pride and love of country to excite them to glorious deeds.

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[1] *American State Papers, Military Affairs* (7 vols. Washington, D. C., 1832-61), 3:417.

[2] In a circular letter to the governors of the various states, Secretary of War Barbour propounded nineteen questions to which Ray replies. The Governor sent Barbour's letter to the Speaker of the House on December 20. See *post*, 201.

To your fourth question I must say, in answer, that no preference is given by law to entering volunteer corps.

In answer to your fifth question, I would give it as my opinion that the establishment of volunteer corps would *not* be injurious to the regular militia.

I will answer your sixth question by remarking that the proportion which the volunteer militia bear to the regular militia is about as one is to ten.

In answer to the seventh question I would remark that I cannot doubt but what a power given to volunteer companies to make their own by-laws would promote their efficiency.

Your suggestion in your eighth question as to a classification of the militia into *active* and *sedentary* strikes me with much force. It would seem to possess advantages over the existing arrangement. Embracing your ninth question, I would conclude that in this classification the single or married life should form no distinction, but that age should.

And to the tenth question I would say that a man should not be forced into service beyond fifty years of age.

In answer to your eleventh question I must admit that I cannot see the reason of a distinction between inferior and superior grades in issuing commissions.

To the twelfth question, in answer, I am happy to have this occasion to express my belief that a term of service for only three months is attended with great sacrifices of life and property, and productive of inefficiency. It would seem to me (including your thirteenth question) that the period should not be less than one year.

In reply to the fourteenth question allow me to state that the officers and privates in each regiment muster together once in each year. Each regiment is divided into two battalions, which muster once in each year. Each company musters twice in each year. At a regimental muster all superior officers may attend and command.

I would say, in reply to your fifteenth question, that I do not believe that frequent musters are beneficial in the general, and (embracing your sixteenth question) I am as well persuaded that more is to be effected in the instruction of the officers, but I would not say *exclusively*. The system of infantry tactics directed by law is not *generally* pursued, but considerably so.

We have no regular system of instruction and exercise for artillery or cavalry.

I will here take the liberty of remarking, without your inquiries, and in obedience to a request in your communication to notice any other matters that might be thought of consequence, that the arming and equipping the militia of the States will be a measure of the first importance in adopting any system for the improvement of the militia. The militia will never be left without excuse in the performance of their duty until they are armed. This should be uniform and general throughout the Union.

You will be pleased to pardon the imperfect manner in which I have noticed your communication, and permit me to acknowledge myself.

Very respectfully, your most obedient servant,

J. B. RAY

HON. JAMES BARBOUR, Secretary of War.

Report of the Agent of Three Per Cent Fund[1]

AGENT'S OFFICE, Dec. 5th, 1826

THE HON. H. H. MOORE, SP'R. H. R.

SIR—To the body over which you preside, I now transmit my annual report of the situation of the three per cent. fund, from which it will appear that there has been received seventy-nine thousand nine hundred and twenty five dollars and nine cents. There has been paid in commissioners' drafts seventy three thousand three hundred and forty-seven dollars forty and nine twelfth cents, which together with the sixteen hundred and five dollars fifty-six cents, commission on the first named amount, makes seventy-four thousand nine hundred and fifty two dollars ninety six and nine twelfth cents, leaving a balance in my hands on the 1st instant, of four thousand nine hundred seventy-two dollars twelve and three twelfth cents. I received in April last from C. Harrison late agent in cash, one thousand seven hundred and eighty dollars two and nine twelfth cents. In discharge drafts two thousand and eight dollars fifteen and five sixth cents, which together with his commission of seventy five dollars and seventy six cents on those amounts, make three thousand eight hundred and sixty-three dollars ninety four and seven twelfth cents, the balance he reported in his hands on the 1st of December 1825.

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[1] Indiana *House Journal*, 1826-27, pp. 19-20. The report was also transmitted to the Senate, and is printed in the *Senate Journal*, 1826-27, pp. 11-12.

I received from the United States Treasury in May last, seven thousand one hundred and seventy-six dollars ninety-seven cents, to which I added four dollars and twenty-three cents over-charge in commission by the late agent, (as he informed me) and which had never been apportioned, making seven thousand one hundred and eighty-one dollars twenty cents, from which I deducted five hundred dollars paid James Blake for the Fort Wayne road, out of unexpended balances of last year; and my commission on eight thousand nine hundred fifty six dollars ninety-nine and nine twelfth cents, equal to one hundred and seventy nine dollars thirteen cents, leaving a balance of six thousand five hundred and two dollars seven cents, which was apportioned to the several roads. An act of the last legislature required me to pay over to Ashbel Stone for the use of the road between this place and Rushville, one thousand dollars, to wit: five hundred dollars out of the then future appropriations to each of the roads passing through Brookville and Connersville, after satisfying all prior contracts and assessments of damages; all demands have been paid on the Brookville road, and the balance of two hundred and seventy-six dollars thirty-seven and one four cents paid Ashbel Stone.

It will require to pay the damages on the Connersville road, the greater part of all its unapportioned balance of the one hundred thousand dollars; it is therefore presumed, that some years will elapse before any aid can be had from that to the Rushville road.[2]

Respectfully submitted,

B. I. BLYTHE,
Agent for the three per cent fund.

Report of the Agent of State for Indianapolis[1]

AGENT'S OFFICE, Dec. 6, 1826.

SIR—I transmit herewith an account of the number of lots relinquished to the state. The number on which the transfers of payments from those relinquished were applied, with the amount required in cash to complete the payment, together with the number of lots on which complete payments have been made in cash, between the first day of July and the thirty first of October last, prepared in conformity with a law, entitled "an act for the relief of purchasers of lots in the town of Indianapolis," approved January 20th, 1826. You have also the number of lots forfeited, with the amount heretofore paid on them. All of which is respectfully submitted.

99 lots relinquished on which had been paid,		$2,619 06
25 do, on which transfers of payments were applied,	$1,887 52	
Interest on that sum,	594 45	
1 lot on which but one payment was made,	22 60	
Interest,	7 40	
Whole amount applied,		2,511 97
Balance in favor of the state		$ 107 09

[2] The amounts allocated to the agents of the various state roads are printed as part of the report. Indiana *House Journal*, 1826-27, p. 21.

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[1] Indiana *House Journal*, 1826-27, pp. 22-23. Also in *Senate Journal*, 1826-27, pp. 12-13.

To complete the payments on the above 25 lots, there has been paid in cash,	$327 33	
To complete one payment on the lot above named,	3 60	
Amount received in cash,		330 93
15 lots have been paid out under the provisions of 2d sec. of the act above recited, amounting to		1,535 90
66 lots have forfeited on which had been paid including a lot above noted, on which $30 in transfers and $3 60 in cash have been received for the 3d payment)		1,531 01

In conclusion, I would remark, that it would be well for the interest of the state to order another sale of out lots on the north and south of those already sold, laying them off in squares, to contain four times the quantity of those already sold, which can be done by terminating every second street. Wood is becoming scarce, the state owns all the land around the town, and if the citizens cannot purchase timber land, many will become trespassers, and I can say on experience, that the lands around the town when stripped of their timber, are much less valuable.

I have the honor to be. &c.

B. I. Blythe,
Agent of the State of Indiana.

Hon. H. H. Moore, Sp'r. H. R.

Ray: Message to the House of Representatives[1]

[December 7, 1826]

Gentlemen of the House of Representatives,

As the *Executive* of the State, it will at all times give me pleasure to answer any *suitable* requisition made of me, by either branch of the General Assembly; and I acknowledge the resolution which I have had the honor of receiving from the House of Representatives, through the gentlemen composing their committee, to be full evidence, that I had reason to have the confidence in the members composing your body, that you would not arraign my conduct whilst holding the important and responsible situation, to which the *voice* of the *people* of the state has called me, without in the *first place* allowing me the *Sacred Constitutional* privilege, to which the humblest citizen is entitled, of being *heard* in my defence.[2] At the same

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[1] Indiana *House Journal,* 1826-27, p. 28.

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[2] The resolution informed the Governor that a previous resolution had been introduced into the House declaring that Ray had forfeited his right to serve as Governor by acting as a commissioner for the United States in negotiating a treaty with the Indians the previous summer, and giving him leave to appear before the House and defend himself either in person or by counsel. Presentation of the Governor's annual message to the Assembly was delayed by these resolutions. The original resolution, introduced by Merit Craig, of Ripley County, was based on the article in the constitution (IV, sec. 5) which read: "No member of Congress, or person holding any office under the united States, or this State, shall exercise the office of Governor, or Lieutenant Governor."

After receiving the above reply from the Governor, the House after some debate ordered the Craig resolution struck out from the resolving clause and passed an amended resolution (by the narrow vote of 30 to 28) by which they joined with the Senate in informing the Governor that they were ready to receive his message. Indiana *House Journal,* 1826-27, pp. 9-10, 13, 14, 15, 16-17, 28-31.

The debate over whether Ray had forfeited his office in serving as treaty commissioner was reported at some length in the Indianapolis *Indiana Journal,* December 12, 1826.. Was the commission he held an "office"? Some wanted to impeach him. But if he had vacated his office by his action, he couldn't be removed through impeachment. And so on. The Indianapolis *Gazette,* February 2, 1827, thought that there was some justification in the argument that such appointments might tend "to create a patronage on the part of the President, subversive of the purity and liberty of the government." John Ewing described the House in the midst of the debate "to be in the situation of the philosophical animal balanced between two opinions. . . . " He felt Ray was free to accept the commission while Governor. Of interest is Ewing's comment on the significance of the incident: "I have no idea that the people can long tolerate the almost legislative omnipotence now claimed and exercised in the State . . . Much of the proceedings here glanced at, have been supposed to concern the highest executive officer of our State, they concern the people whose laws he is bound to execute much more. A blot unjustly placed upon his official standing, is an injury to time feeling conscious of having committed *no act* since I have been honored with the office of Governor, incompatible with its high obligations and duties, and which was not intended to the best of my ability for the prosperity of the state of our choice, I must express my conviction, that the harmony of the co-ordinate branches of this government, the laws of delicacy, and the true interests of our common country, will be best consulted, by my declining the acceptance of the invitation at this late period, with which I have been favoured through your committee; asking to be permitted to add, that in no transaction of mine, official or other, have I any thing proper to be communicated, which shall not be at all times subject to the inspection of my fellow citizens of the state, or their representatives. If I have erred in the manner intimated in a resolution sent me, I have erred with the fathers of the republic, the first patriots of the age, and in attempting to do good, and advance the highest interests of our beloved country. As custom, precedent and example passed in review before me, I could not be insensible of their force; and have been made to feel, as if I had done my duty to my conscience and the state.

I have the honor to be, very respectfully, Your most obedient servant,

J. BROWN RAY

December 7th, 1826.

Treasurer's Report, December 8, 1826[1]

INDIANAPOLIS, Dec. 8, 1826.

SIR—Enclosed is the annual report, required from the

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the State, and to the citizens, whose organ he is." Indianapolis *Gazette,* February 2, 1827.

Public opinion throughout the state seemed to be generally favorable to Ray in this controversy. See extracts from other newspapers in the *Gazette,* January 2, 19, and February 2, 1827. A similar dispute had arisen in 1818 when Governor Jennings had served as treaty commissioner at St. Marys, Ohio.

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[1] Indiana *House Journal,* 1826-27, pp. 66-68. Also in *Senate Journal,* 1826-27, pp. 43-45.

Treasurer of State, to be laid before the house of Representatives.

I have the honor to be, &c.

S. MERRILL.

H. H. MOORE, Speaker, &c.

TREASURY DEPARTMENT, Dec. 8, 1826.

The Treasurer in obedience to the directions of the "act concerning the Auditor of public accounts, and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from Dec. 3d, 1825, to Dec. 2d, 1826.

Cash on hand at the last annual report,		$7,011 95

Receipts during the above period:

From taxes due for the year 1817,	27 30	
1821,	34 27	
1822,	271 00	
1823,	270 10	
1824,	777 66	
1825,	23,701 19	
1826,	2,907 41	
From unlisted lands not previously reported to Auditor,	13 06	
Penalties for delay in payment,	14 82	
Total Revenue		$28,016 81
From sales of seminary lands in Gibson,		1,000 00
lots in Indianapolis,		1,850 29
Total,		$37,879 05

Expenditures during the term aforesaid.

For stationary for the last legislature,	142 16
For public printing,	1,101 41

Interest to Rapp,	443 00	
on seminary fund,	120 50	
on treasury notes,	125 25	
		688 75
For contingent expenses		588 23

For expenses of State Prison.

Contract with Westover as superint'd't,	400 00	
Transportation of convicts,	655 28	
		1,055 28

For expenses of Seat of Government.

Building Court-House in Indianapolis,	882 82	
House and offices for Aud. and Treas.	200 00	
Per centage to do. do.	73 35	
Agents allowance and salary,	289 62	
		1,445 79

Expenses of last Legislature.

Clerks, doorkeepers and serg't at arms,	1,358 50	
Pay of members,	7,140 54	
Previous claims,	363 13	
Distributing laws,	174 00	
Librarian's salary,	20 00	
		9,056 17

Specific appropriations.

House rent for Governor, 1825,	200 00	
For Impeachments,	248 59	
Incidental allowances,	546 48	
		995 07
To sheriff's for advertising Pres. election,		7 00
To Rapp, the amount loaned of him,		5,000 00

To Gov. for house rent, 1826,	200 00
To the officers of the Judiciary,	6,335 00
Executive,	2,752 80
Circuit prosecutors,	1,321 84
Adjutant General,	125 00
Treasury notes burnt,	1,249 00
Leaving a balance in the treasury of,	5,815 55
	$37,879 05

The State debt consists of,

Outstanding warrants,	120	
Treasury notes in circulation,	210	
Judiciary claims not audited,	1,575	
Circuit prosecutors,	227	
Due U.S. assignees of Vincennes bank,	1,873 17	
Interest on the same,	552 58	
Due road and canal fund,	5,000 00	
Interest on same,	1,775 00	
Seminary fund,	2,296 96	
		$13,629 71
The cash on hand as above is	5,815 55	
Estimated amount payable from this years revenue,	31,000 00	
From balances against former treasurer and collectors of previous years,	3,000 00	
		39,815 55
The current expenses of the ensuing year may be estimated at	25,000 00	
State debt except seminary fund,	11,332 75	
		$36,332 75
Estimated balance to be in the treasury, 1st December, 1827,		$3,482 80

Returns of fines assessed on persons conscientiously scrupulous of bearing arms, have been made to this office, since last report from the 1st, 8th, 9th, 18th, 19th, 37th, 40th, 42d and 47th regiments, amounting in all to $870. No part of the above has been paid into the treasury.

I have the honor to be, &c.

SAMUEL MERRILL

Ray: Message to the General Assembly[1]

[December 8, 1826]

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:

I am much exhilarated to witness, that the great author of nature, the munificent disposer of all human concerns, and omnipotent dispenser of every blessing, has, in the arrangement of his providence, permitted us all to assemble here together, in the capitol of the state at this time, prepared to enter upon a performance of the most important social duties, that are embraced within the powers of mortals. Nor, are you other than the majesty of a state, charged with a faithful execution of the most holy trust. Gratitude to Heaven for countless favours, as the first fruits of our convention, claims from us an acknowledgment, that without the assistance which we shall derive from the unrivaled wisdom, goodness and power of the Almighty, our most potent efforts to enlarge the sum of human happiness, would be marked with futility. The whole American family, may well rejoice beneath the smiles of *Him,* whose general superintending hand has protected a Continent, secured *comfort, peace* and *felicity* to its inhabitants, and afforded numerous and peculiar evidences of special indulgence and kindness to a whole nation—*to all its parts.* Many of *His* particular manifestations are evident, on a review of the numerous blessings, which have been experienced during the past year, within our own borders. The people of Indiana, especially, should piously congratulate each other, in the midst of their *own* numerous demonstrations of success and prosperity. All that the most ardent could rationally wish for, has fallen within the lap of the state. The history of other nations furnishes us with no parallel for our gigantic growth. "A wonder amongst wonders," our amazing young state, with each annual revolution of the earth, seems destined by the force of circumstances, and the energies of her people, to outstrip the geographer with all his sagacity: to develop some dormant treasure and exhibit to public view, some fascinating prospects eminently calculated to attach our citizens to their homes and country; and to enable us to look perspectively to the period, when we shall be amongst the first in *power, wealth* and *respectability* in the grand confederation of North American states. Were any to suppose that this were a pleasure of imagination, let an appeal be made to facts and reasonable results. We *do* rise to eminence, as if by the power of enchantment, and already begin to conceive designs that would be creditable to an old and powerful nation. Whilst another year is recorded in the calendar of time, Indiana has no occasion to look back with regret upon any calamity that has befallen her. Her march has been steady and dignified to happiness and greatness. No convulsion has affected her clear political elements. Her inhabitants have been favoured with *more* than their accustomed good health. The seasons have left bountiful evidences of their effects upon the vegetable kingdom. Her fruitful soil has produced its usual abundance, and rich variety. The country, though new, is filled with plenty. Each countenance beams with thankful joy, and as many hearts leap with reverential gladness, for the kind guardianship of the "giver of every good and perfect gift."

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[1] Indiana *Senate Journal,* 1826-27, pp. 18-42. Also in *House Journal,* 1826-27, pp. 38-64.

The salubrity of the climate, the exuberance of the soil, the just, equitable and excellent character of our institutions, and the natural, and anticipated artificial advantages of the country, arrest the attention of the emigrant as soon as he enters the territory of Indiana; and he at once resolves to discontinue his deambulations and become a citizen. The stranger and traveller on passing through the country, receive the protection of the constitution, become delighted, and resolve to settle with us. The tides of emigration in rapid succession, *still roll on,* in a wondrous manner, from all parts of the Union, and the old world to the *west*; so much so that no accurate estimate can be formed of our annual increase of population. Our forests are daily yielding to the axeman, and disappearing before his strength, resolution and industry. The children of nature, fly still further towards the setting sun. The wild beasts quickly become alarmed, and retreat still further into their native "boundless contiguity of shade." Tract upon tract of wild land is constantly reclaiming, and bringing into cultivation. All seem one busy scene of bustle and preparation, "and the wilderness and the solitary places are becoming glad," and "begin to blossom as the rose." Religion, virtue, morality, industry, economy, order and a love of freedom and of country, are striking characteristics amongst the new multitude.

Whilst our numbers have been augmented in an unparalleled manner, by the astonishing rush of migration to the west, we have also the consolation to be made sensible, that we are with *them,* acquiring the sciences, arts, artists, wealth and intelligence. The late residence of the wild man of the woods is becoming vocal with praises to the Supreme Being; and the construction of primary schools and public edifices are beginning to swell the bosom of the philanthropist and to exhibit a picture of active enterprise. A general spirit of enquiry is abroad in the late wilderness, and a thirst for knowledge is discovering itself amongst all orders of our people.

Our political condition, as a state, and as a member of a great and flourishing nation, also continue yearly to improve; and we are gradually becoming more firmly established in our excellent institutions, and admirable form of government than ever. The triumphant march of liberty, in the midst of the surrounding nations, furnishes us with confident feelings for rejoicing, gives security to us and our much valued institutions, and leaves with us, a conviction that the period is just before us when the emblems of universal freedom will proudly float upon the antiquated and strong towers of aristocracy and error—when the principles of legitimacy and misrule, will dwindle into insignificancy, before the progress of light and reason. The mighty and successful efforts that have been made in the South, in the cause of freedom, whilst they have added strength and security to us, have necessarily engendered a new train of thought, and produced some original and happy conceptions, as to the science of government.[2]

The flight of tyranny from those neighboring countries, and the establishment of rational and well regulated governments of the *people* there, not only give stability to all that are free, and enable them to assume an imposing attitude before those that are not; but virtually put an authoritative crown upon our country's independence; put a negative to European speculations, as to the ephemeral existence of popular communities, and infuse health and vigor through the whole body politic—hence, whatever tends to secure general tranquility and place all the republics upon the safest and best footing, deserve general support.

We doubt not, but what the Congress of Panama had its origin in patriotic reflections about the safety and ultimate glory of the new world: the great mind that conceived it, was not inattentive to the dearest interests of the human family.[3]

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[2] Ray is referring here to the Spanish colonies in South America that had recently revolted against the mother country and attained their independence. When Spain undertook to reconquer her lost colonies, President Monroe used the occasion to set forth in his message to Congress on December 2, 1823, the policy that came to be known as the Monroe Doctrine.

[3] The Congress of Panama was called by Simon Bolivar, leader in the revolt of the Spanish colonies and now president of the republic of Colombia, to endeavor to unite into a confederacy the countries of South America that had recently thrown off the Spanish yoke. The general purpose of the confederacy was to protect the member countries against aggression by European countries. The United States was invited to send representatives and two were appointed. One of the topics to be discussed was the building of a ship canal across the Isthmus of Panama. The congress never materialized, due to internal disturbances that arose in the South American countries. See John Bach McMaster, *History of the People of the United States,* 5:433-41 (8 vols. New York, 1883-1913).

It was deemed essential to the good understanding that should exist amongst neighboring and rival nations. With all its imposing *Amphictyonic* grandeur, in the midst of a cluster of powerful republics, it is believed that it will be incapable of loosing sight of the design of its creation, in acting as an arbitrator and conciliator of differences between states: regulating commerce and perfecting the theory of civil liberty.

That our councils may be enlightened, and our deliberations made useful to our fellow-citizens, we cannot recur too frequently to the local geographical position of our state. Indiana is situated within the temperate zone, where all the necessaries of life are produced with as little labor, and as abundantly, as in any other region of America. Her natural advantages are very numerous, and when properly improved by art, must present to the most difficult to please, all that is desirable in nature. At least three hundred miles of one side of her territory are washed by the great and useful Ohio river. The beautiful Wabash also meanders along and through another portion of her boundary, upwards of five hundred miles. The White rivers run through her centre upwards of three hundred miles. Besides these principal streams the whole face of the country is chequered by smaller water courses; amongst which in the inhabited part of the state, the White water and Blue rivers may be reckoned the principal ones. Upon these water courses with many others of less magnitude, rest the hopes of the merchant and agriculturalist at present, in common swells of water to export the accumulating surplus produce of the country to a *southern* market. On the north the southern bend of Lake Michigan is found within our boundary, about one hundred and fifty miles from our seat of government.

From this point, there is an uninterrupted water communication, to the renowned commercial city of New York, the safest and best market in the United States. Two streams, the St. Josephs and St. Marys find their source in the state of Ohio, form the Maumee at Fort Wayne, in this state, which from thence discharges its waters into Lake Erie. These are the natural facilities that are presented to the north to reduce western produce into money. There are thirty-seven thousand square miles in the state, and nine tenths of all this land is susceptible of cultivation. This will support a population of ten millions of souls. An industrious and virtuous race of people are rapidly preparing these extensive domains for the plough; so that in a little time, we may expect that the granary of the husbandman will be overflowing to waste, with the various productions of the earth, without an opportunity of selling them. These results in the regular course of things, will take place. Thus situated, let us arise, look around us, examine our condition and resources, and see what can be done to meet the exigencies of the times. The yeomanry are the pillars and support of the land, and they must be rewarded. It is the farmer that gives countenance to every other avocation. Agriculture, with many ceases to be an honorable pursuit, so soon as it fails to be profitable; and whenever circumstances connected with public opinion shall withdraw that class from their legitimate employments, the flower of the land becomes at once neutralized, and general wretchedness is the fatal consequence.

The labourer, to give him resolution, should always have before him a prospect of certain reward. When he is not stimulated with the expectation of receiving an ample recompence for his toil, his energies becomes paralized, and his views are contracted within the narrow compass of domestic family consumption. This prospect of a full reward for labour, will always be certain or hazardous, in proportion to the distance, which the commodity, the product of it, has necessarily to be transported for consumption, sale or exchange; and in proportion to the facility with which the conveyance is effected. Add to this, that *time* is *money* to the labourer, and that labour is the wealth of a nation; and it results that every obstacle which is in the way, that unavoidably consumes time, and employs the labourer in reaching the market he seeks, not only impoverishes the country, but reduces the aggregate sum finally received for the article in an exact proportion to the time lost: so, that every reduction of distance and every improvement which are made for travelling, are a saving of time and money, of individual and public advantage.

From these considerations it is evident that the settlers of a new country, must be subjected to many privations and a heavy indirect tax, imposed upon them by the rude deformity of surrounding nature. To them, finding access to any place that is serviceable, diminishes the real value of every ponderous commodity much, before they can get into the possession of an equivalent for the remainder. Although this kind of a tax exceeds ten times the amount which is yearly paid for the support of the government, yet it appears that it has escaped with less consideration, and more indifference, than it. Nothing is at stake in the assertion, that the absence of public works and artificial aid, are the heaviest, deadliest weight that bear upon this country, and are the capital causes of complaint with the grain growing interest. It is certainly these thick and iron featured forests, obstructed navigation and neglected unimproved roads, that create the prime, though seemingly unseen cause of murmur, at the reduced price of our staple commodities. Obviate these surmountable barriers to general prosperity, and you will at once infuse new life into our fellow citizens. If you are at present awed into dull neutrality by the fear of public opinion, be assured that the hour of releasement is at hand. The prejudice which exists in some places against internal improvement, is redeeming itself. The whole country as if by one universal impulse, is moved by the master spirit that is abroad. Lead the way, bring home visible benefits to the doors of your constituents, and you will confidently hear from that same dreaded public sentiment, a favourable echo. The people will consult their own interests; and the force of information will induce them to yield to what is right. It is not denied that the true remedy for these grievances, is ultimately to be found in their wise, thoughtful and patriotic determinations; and experiment upon experiment will make them sensible, that the one half of the tax they pay upon the transportation of those articles they *buy* and *sell*, will place them upon the vantage ground, and put a period to those dangers, sacrifices and delays, that hang like an Incubus upon the country. If we "fold up our arms," and make ourselves easy whilst our condition is barely tolerable, under the expectation that some foreign revolution will restore to us those times that are gone forever, and change the countenance of affairs, we may in the end find, that we were deluded by a false hope of visionary benefits, which shall never be realized; leaving that time inertness, a blank in the history of our rise to eminence and glory.

On the construction of roads and canals, then, we must rely as the safest and most certain state policy, to relieve our situation, place us amongst the first in the Union, and change the cry of "hard times," into an open acknowledgement of contentedness. *The rough appearances of nature must be overcome and made to yield to human enterprize. Our waters must be imprisoned in new channels, and made to subserve the essential purposes of commerce.*

As the construction of roads are not so expensive as canals, and more applicable to the present resources of the state, allow me to request that, that subject may command your calm and unbiassed consideration. View deliberately their construction, as your vital interest, seize the first occasion to prepare for the work, and a brilliant reward is certain.

Situated as we are upon the globe, we have but one alternative, which is, to force our way to the Lakes, and to the great rivers that run into the seas; and if we have not the means at present to make artificial channels through the earth for our necessities, let us no longer look with indifference upon those *secondary* improvements, so honorable to a state and beneficial to its inhabitants. We must strike at the internal improvement of the state, or form our minds to remain poor and unacquainted with each other; and those great projects to which we are so strongly invited by *nature, policy* and *honor* must exist only in idea, and their usefulness remain undeveloped.

This generation is speedily passing away, and if *we sit still,* posterity will see nothing in our actions that is worthy of their admiration. Whilst our sisters around us are rearing eternal monuments of their energies and public spirit, we have looked and admired, but have been too timid to imitate!!! Something has been done by the general government and something by the state, to locate and improve roads; but much more remains to be done, before we can feel their utility. Many roads have been defectively opened under the authority of this state, but the manner they have been kept in repair, from the state they are now in, are striking evidences of a defect in our road system. Too much reliance is placed upon the three per cent. fund.[4] If that fund, after it is divided amongst the whole number of roads in the state, shall be found insufficient to make them passable; and if the state is not in circumstances to appropriate monies from the treasury for that purpose, a just regard to your duty and the rights of your constituents, will prompt you to call into requisition, such additional labor of the people upon equitable terms, as may be thought sufficient to improve in a proper manner our numerous highways to such an extent as a due respect for individual rights will admit of.[5] Whoever reflects that labor upon the public highway is not industry lost, bestowed to accomplish a purpose of common advantage to the whole community, in which each individual can participate, will cheerfully comply with any reasonable demand which you may think fit to make. The patriotic citizen will submit to it with alacrity. Your law on this subject, should contain what the existing one does not, a *severe* punitory clause against the supervisor for neglect of duty. The present laws are barely directory and have no sanctions. I would give the supervisor a compensation, and then compel him to a strict performance of the law. Without some such course as this, we shall continue as we are, having our statutes violated with impunity, and our roads neglected.[6]

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[4] See report of the agent of the Three Per Cent Fund, *ante,* 152-54.

[5] A law passed in 1825 stipulated that every able-bodied man between the ages of twenty-one and fifty and without property should work two days each year on the roads of his district; owners of real estate were required to work the two days and in addition pay a road tax equal to one half the amount of state tax assessed on their land. Owners of town lots were exempt from working on the roads, but were to pay a road tax equal to one half the amount of the county tax assessed on their lots. If they preferred, these landowners had the right of discharging the road tax by working on the roads at the rate of fifty cents per day. Ordained ministers of the gospel and ferry keepers were exempt from the provisions of the act. *Laws of Indiana,* 1825, pp. 74-76.

Mr. Knight, the enterprizing individual, entrusted with the location of the National road, has at length reached Indianapolis with a random line; and to the line dividing Ohio from Indiana, with a permanent location. In the spring, he will repair westward towards the point of destination. A renewed expression of our belief, that congress will continue to make adequate annual appropriations for the continuation of this extensive thoroughfare from East to West, will be allowable, interested as we are in its speedy completion.[7] We cannot suppose that the plighted faith of the United States in this particular will be violated, but that the road will go on with the same regularity that has hitherto marked its progress, until it comes in contact with the dark wave of the Mississippi.

Your attention is again called to the situation of the two White rivers and Whitewater. These streams afford a good navigation, during several months in the year. The flat bottomed boat can descend them with her cargo; but there are several places in the rivers where large piles of driftwood are collected, extending across the stream, which subject the vessel to imminent danger of being wrecked. These collections of drift with some sawyers in the bed of the channel, and one or two inconsiderable falls in the White rivers, embrace the impediments to the navigation of these water courses. Considering the extent of country which these streams pass through, the density of the population near them, and the multitude that depend upon them, for the exportation of their surplus produce, as well as the small amount of money which will be required to remove the obstructions in them, I would respectfully recommend an appropriation for that purpose.[8] I am apprized that there are other water courses in the state, that also deserve your favorable notice, but as our means are inconsiderable *yet,* for any of these objects, the largest and most useful should first enlist our attention.

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[6] An act passed at this session provided that any road supervisor neglecting or refusing to discharge his duties might be fined up to $50 for each offense. *Laws of Indiana*, 1826-27, p. 69.

[7] This sentiment was expressed in one of the paragraphs of a joint resolution introduced in the Senate at this session which read: "The measures adopted and pursued by the present Administration of the General Government, particularly in extending the Cumberland road westwardly, and in aiding the grand interest of internal improvements, merit our decided approbation." The resolution passed the Senate but was lost in the House. *Senate Journal*, 1826-27, pp. 115-16; *House Journal*, 1826-27, pp. 212-13. According to the Indianapolis *Gazette*, several members of the House who voted for laying the resolution on the table expressed themselves as being favorable to the administration, but believed their constituents had not sent them to the legislature to express such opinions. Issue of February 2, 1827.

By the attention of our delegation in Congress, and the special favor of the heads of department of the general government, a corps of Engineers entered the state during the last spring, with the view of operating here, with the worthy, but *now* deceased Mr. Shriver at their head. The intelligent Mr. Shriver's plan of operations for the *season* was to enquire into the practicability of the *Whitewater* canal, by making an examination of the country from the Ohio river, at Lawrenceburgh, through the valley of Whitewater to Fort Wayne; and to ascertain the practicability of connecting the waters of the Maumee with the Wabash by artificial channel; and to make surveys and estimates of a route for a canal through the valley of that stream if necessary. After attending to these two projects, he expected to repair to the Falls of the Ohio, in obedience to special instructions to inquire as to the practicability of a canal around the Falls of the Ohio, and to prepare a plan and estimate of the same. A summons to leave the world has taken this competent engineer away, without allowing him to effect his purposes to any considerable extent.[9] But Major Moore is the successor of the deceased, who has been some time in the field, in the execution of the above mentioned plan. His labors have been crowned with complete success to the north. He has ascertained that the connection of the Wabash and Maumee is altogether practicable and easy. The two waters can be made to mingle at an expense not to be compared with the magnitude of the work. From the St. Marys, the adopted feeder, to the mouth of Little river of the Wabash, the deepest cut through the summit level is only twenty feet. Major Moore, not having completed his examinations in that quarter this fall, expects to return to his station in the spring, when we shall be furnished with official estimates of this contemplated canal.[10] So soon as this takes place it will deserve the most serious consideration of the legislature, whether the *honor* and *interest* of the state will not strongly invite her to complete this almost natural connection between two navigable streams, whose waters flow to a northern lake, and towards the Atlantic ocean. We remain uninformed, whether any thing further has been done, at the Falls of the Ohio, in the Whitewater country, or elsewhere, by the board of engineers, which would seem to require any special attention at this time.

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[8] The General Assembly of 1825 had commissioned Alexander Ralston to make a "personal" examination of both branches of White River, locating obstructions by driftwood, leaning trees, and other causes, and to make an estimate of the cost of removing them. See *ante,* 83n, for reference to his report. The plan inaugurated at the previous session of using persons required by law to work on the public highways for improving the navigation of streams was continued by the present General Assembly (*ante,* 84n). The East Fork of Whitewater and some smaller streams were made public highways, and the supervisors of roads within the respective counties through which the streams passed were made responsible for removing obstructions. *Laws of Indiana,* 1825-26, pp. 17-18; 1826-27, pp. 40, 42, 43, 44-45.

In inviting your attention to an improvement of the Wabash falls, near the mouth of White river, it is with much satisfaction that I can bear testimony to the liberal spirit indicated by the state of Illinois, to assist in the removal of those obstructions, in that great common highway to market. From a copy of an act of the state of Illinois, which has been transmitted to me, together with a memorial relating thereto, (all of which I lay before you) it will appear that, that state has incorporated a company under the belief, and possessing efficiency only on the contingency, that Indiana will meet the proposition of that state by the passage of a similar law. Being satisfied of the urgency of this measure and the usefulness of the design, I must recommend a hearty and an immediate cooperation with our sister state in this laudable scheme. As the proposition first emanated from us, to make this improvement, and has been generously responded to by Illinois, a charter with powers coextensive with theirs, and commensurate with the high object, is expected from you.[11]

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[9] Col. James Shriver died at Fort Wayne on August 8, 1826, a few weeks after his arrival in Indiana. See Ray's letter to him of July 10, 1826, *ante*, 133-36 and note 2.

[10] Moore's report on the surveys made in Indiana in 1826 appeared in the Indianapolis *Gazette*, February 20, 1827, and also in the Indianapolis *Journal* on that same day. The survey in the summer of 1827 was restricted to the Wabash and Erie Canal. See *ibid.*, November 27, 1827.

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[11] The Illinois act, approved January 13, 1825 (*Laws of Illinois,* 1824-25, pp. 96-100) incorporated the Wabash Navigation Company whose duty it would be to improve the navigation of the river by cutting canals, removing obstructions, building locks and dams, etc. It opened with the clause "whereas the state of Indiana has manifested a disposition to unite with this state. . . . " Correspondence between the governors of Illinois and Indiana on the subject of improvement of the Wabash had been going on for several years and a joint committee had made a report on the fifteen mile area at the Grand Rapids in 1823. See Governor Hendricks' message in Indiana *Senate Journal,* 1823-24, p. 8; Esarey (ed.), *Governors Messages and Letters,* 3:473, 502-6. The Indiana Senate committee on canals and internal improvements of the 1825 session, to which the Illinois act incorporating the navigation company was referred, recommended that the state not join in the Illinois plan, and outlined one of their own for raising funds on the faith of the two states concerned and obtaining lands and water privileges necessary to the project. The committee disapproved "of committing such an important matter as the navigation of the Wabash to the discretionary powers of any corporation," as the Illinois act did, believing that the plan would be unsuccessful unless the faith of the state was pledged. The Senate concurred in the report. *Senate Journal,* 1825, pp. 168-75. The Senate committee of the present session concurred in the same sentiments, and reported that they saw no reason to change the decision of the previous Assembly. *Ibid.,* 1826-27, pp. 78-80, 87.

Later in the session a bill was introduced in the Senate providing for the improvement of that part of the Wabash which was under the joint jurisdiction of Indiana and Illinois. After passing the Senate it

It appears by an official communication made by the Governor of Michigan, to the council of that territory, on the 6th ult. that an opinion is entertained by him, that the northern boundary of this state is yet unsettled; and that our boundary extends ten miles too far north. He seems to predicate this opinion upon the ordinance of Congress of the 13th July, 1787, which formed the basis of the governments north of the Ohio river. He presumes that the compact fixes a definite line between the state and territory, north, which remains unaltered.

If this question were to be tested by the compact *alone,* the east and west lines of Indiana, by a liberal construction of that instrument might be extended on parallels, to the British dominions north, *until* Congress think fit to form another state, in the middle range of states authorized by the ordinance. The 5th article of the compact, authorizes Congress to form either *three* or five states at their *discretion* within certain limits; and but three have yet been formed. That article also reads under a proviso, "that if Congress shall *hereafter* find it *expedient,* they shall have *authority* to form *one or two* states in that part of said territory, which lies north of a line drawn *through the southerly bend or extreme* of Lake Michigan. Now, this is only a *power* delegated to Congress, which they *may* or *may not* exercise. They are not bound to form *even one* state north of this line; and may do *one* or the *other* of two things as to boundary. The worthy Governor of Michigan seizes upon this *disjunctive* phraseology in the compact, and makes it read *"southerly extreme,"* giving it a conjunctive interpretation in support of his position. Without now attempting to shew the immense difference between these two propositions, suffice it to say, that the kind of language used

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was amended in the House; the Senate refused to accept all the amendments and the House refused to give them up. The measure, the provisions of which are not known, was lost. *Ibid.,* 1826-27, pp. 239-40; *House Journal,* 1826-27, pp. 463, 464, 506-7. Senator John Ewing of Knox County, chairman of the canal committee, called the House amendments "prohibitory appendages," which would have made the bill unworkable. Indianapolis *Gazette,* February 2, 1827.

in that member of the sentence was sufficient to justify an expression of Congress on the subject, and to induce them to *define* the boundary; the rather so, as it depended upon political contingencies, whether that territory would ever be organized into a state— Hence Congress passed an act authorizing Indiana to form a constitution and state government—she forms her constitution, and in it she establishes her boundary, ten miles north of the southern *extreme* of Lake Michigan; and *through* the *southern* bend of the same, in the language of the ordinance. This constitution underwent the most solemn ordeal before the Representatives of *all* the states, by a vote was received, and the state admitted into the Union with this article. As the ordinance did not *establish* the line, but only gave *power* to do so if Congress thought it expedient, the state had a right to propose to that body to fix it, in her constitution. Were there any doubts as to the terms of the compact, are they not removed by the formal consent of the states to the ratification of the constitution, *including Virginia?* The conclusion which I would draw, is, that there was no *definite* boundary fixed by the ordinance, and if there were, the whole is rescinded.[12]

In the month of October last, the diplomatic agents of the United States, held a treaty with the Miami and Pottawattama Indians, in the valley and on the north bank of the Wabash in this state, with the view of extinguishing their title to lands. This negotiation, with great labor, resulted in a cession of between two and three millions of acres of land to the United States, lying within the limits of this state; which, will doubtless soon be surveyed and offered for sale. Having explored a considerable portion of this newly acquired territory in person, I can speak with certainty as to its real value and advantages. This country lies on the north and west sides of the Wabash, west and south of the two St. Josephs, and bordering on Lake Michigan. No new country can present greater inducements to the emigrant. It cannot be said, that it is the garden of the Hesperides; but with its rich soil, permanent streams for manufactories, living springs, extensive quarries of limestone, thick and durable timber, healthful appearance, and good natural position for commerce, it may be esteemed as the first new country in value, now in market in the government. In it, an industrious and economical people may grow rich and happy.

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[12] The House judiciary committee, to whom this part of the Governor's message was referred, reported that they believed the Governor was correct in his interpretation of the northern boundary of Indiana, but they did not deem it necessary to discuss or examine the subject further, and had not formed a positive opinion on the controversy. *House Journal,* 1826-27, p. 201. The account of how the state boundary of Indiana was extended ten miles farther north than the territorial boundary is related in Mrs. Frank Sheehan's *The Northern Boundary of Indiana* (*Indiana Historical Society Publications,* Vol. 8, No. 6, Indianapolis, 1928). The line was not surveyed until 1827.

The timid Indian, parted with this excellent country with painful reluctance. Melancholy experience tells them the consequence of it. They know that their game will fly from the approach of that bustle, which accompanies the location of the white man; and they love the country of their birth, and the home, and graves of their Fathers, too well to follow it. The Miamies retain a little spot of land to live on, which they call their bed, which, they have resolved never to part with. It contains the bones of their ancestors. This handful of Miamies is a proud, though feeble remnant of a once powerful nation. They have dwindled down into a few families, under the operation of their own horrible, revengeful, and retaliatory laws. They now read their destiny, in the approximation of civilized society. They are wasting away, and will soon be gone, without a change in their manners and customs. Being uncultivated and savage in their very natures, when spiritous liquors find their way amongst them, which they always use to excess, all the native, fierce and fiend like passions of their soul, are aroused by its influence, and they cause blood to flow copiously from each others veins. These frightful revels, produce murder upon murder in cool blood, to gratify a furious spirit of revenge. These, though once our enemies, are human beings, and are under the sovereign jurisdiction of the state. Shall we stand still, unmoved, at these spectacles, giving a license to such brutal butchery? Can we see them thus sinking under the clods of the valley, unnoticed—uninformed—unrestrained in their deeds of violence? Is *their* blood not spilt in our peace, on our soil, under our eye? Nor is it always Indian blood. I am informed there are not twenty genuine Miamies in that nation. The white male and female, have long since intermarried with them; and the colour of their skin is changed. This being the condition of the native people of this land, shall we not interpose and check some of these prevailing sins amongst them? A law inflicting a heavy punishment upon such as shall *give* or *vend* spiritous liquors to an Indian, would have the most salutary effect; and let the penalty be given to the informer, as an inducement for discovering the offender.[13]

The Pottawatamies do not carry this exterminating principle, to such cruel lengths as the Miamies; (but they nevertheless love whiskey too;) they believe in its correctness, and would feel the happy consequence of the law. The time has been, when they have all lived without this mad water, and they can do so again.

But whilst we are lashing the foibles of the Indian, shall we permit the same vice in the white man to escape our notice? The use of ardent spirits to excess, with us, is beginning to make alarming stains—deep, indelible impressions, on our own character. In some of the states it is said *habitual drunkenness* is punished in a house of correction, and in others some other punishment is inflicted. Some odium ought to be attached to the practice in Indiana. Whoever is so regardless of social duty, as to destroy himself by strong drink to the injury of *himself* or *family,* under habitual intoxication, should be made to smart under a penal law of some kind. I earnestly recommend this subject to your consideration, relying upon your better judgment for an appropriate punishment.[14]

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[13] No action was taken at this session on the Governor's recommendation. Mr. Graham reported from the committee on ways and means that in their opinion it was inexpedient to legislate on the subject. *Senate Journal,* 1826-27, p. 74.

[14] Acting on the Governor's recommendation, the Senate passed a

By the treaty with the Pottawattamies, a valuable and extensive grant of lands is made to the government for an important and interesting national and state object. That we may be sensibly penetrated with its magnitude and utility, I will ask you to indulge me in making a few cursory remarks in support of the grand project. Michigan, being the only lake in the north, that belongs exclusively to the United States, it is but reasonable to infer, that we will be more partial to it, than to those in which the kingdom of Great Britain claims a common right with us to occupy. On this large and splendid lake, a navy can sail on water that is altogether American. On every shore of it fortifications may be erected, on ground that is our own, and there our flag can wave. Hence, if our old enemy should ever again call us to the strife of battle, we must expect to meet her in the north; and this lake being the nearest to the bulk of western soldiery, will be looked to as the theatre of operations. The first land to the north of this lake is England's, and will be the landing place of herself or allies. Should such an unwished for calamity ever befal us, and a requisition should be made upon many of the states of the west and south, for their quota of militia, with orders to meet a foe to the north, it will be easily believed, that lake Michigan will be the place of rendezvous. Troops and munitions of war would necessarily, have to pass in performing the march the nearest route through the centre of Indiana; and of course the march must be performed on land. The importance of a good road from the lake to the Ohio, opening a direct communication between them, consequently becomes obvious in a *national point of view.* Add to this the facilities that such a work offers to the emigrant from many of the states, who is in search of these rich, new countries, and even that very one which has just been acquired, and its necessary connexion with the principal objects of the treaty, and its general usefulness will be still *more* manifest.

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bill concerning habitual drunkards, but the measure was lost in the House when that body voted to postpone action on it indefinitely. *Senate Journal,* 1826-27, pp. 149-50; *House Journal,* 1826-27, pp. 389, 393-94.

Such a road will point to the heart of Kentucky, and she ought to be alive to its success. These considerations taken in connexion with the incalculable advantages, which would flow to the people of Indiana from its construction—the character that it would secure to the state—the choice of markets that it would present to our citizens—the money that its creation would scatter amongst the laborers—the inducement which it will hold out to settle the wild lands of the United States— the circumstances that it will cross the National road at right angles at our seat of government—the assistance that it will give to the farmer and merchant in transporting heavy articles to and from the lake or the Ohio at Pleasure, and the general figure it will make upon the map of the state; all combine together, to demonstrate the *expediency* of the measure. To make such a road the grant of land was incorporated in the treaty. One hundred feet in width from the lake to the Wabash is given for the road to rest upon; and one section of good land, contiguous to, and on each side of the same, is also granted for making the road, *for each mile,* from lake Michigan to the Ohio river, by the way of Indianapolis. Such is the foundation which is laid for this great road. It will now be for the President and Senate of the United States, to approve of the grant. This I sincerely hope for: and if you think with me on this subject, I must request of you a prompt expression of your views by way of memorial, to be sent to the City of Washington before the treaty is acted upon.[15] I can see no good reason why this article should be rejected. A similar provision has been made for Ohio; and the principle has received the sanction of the Senate of the United States. The grant severs the remaining Indian possessions; and when the land granted for this purpose is settled, it will weaken the attachment of the Pottawattamie to his country. Furthermore, the land may be located in the Indian country; and in the event of a non-ratification will revert to its original owners. I flatter myself, therefore, that it will be retained for the internal improvement of the country, rather than to see it lost. As it is so grand a project of national and state aggrandizement, let us, I pray you, *unite* in soliciting its success.

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[15] A resolution was introduced and adopted in the Senate stating that it was of primary importance to the state that the late treaty with the Indians be ratified, and particularly the section relating to the grant for the road; a memorial was to be addressed to the President and U. S. Senate on the subject. The House voted to postpone consideration of the resolution indefinitely. *Senate Journal,* 1826-27, pp. 69, 76; *House Journal,* 1826-27, pp. 440-41. The United States Senate, to whom the treaty was submitted for ratification, struck out the part which gave to the General Assembly of Indiana the right to locate the road and apply the land to its construction, believing that the disposal of public lands was not rightfully a part of the treaty-making power, and that only Congress could vest in the State of Indiana the power to dispose of the grant. An act was then passed by Congress on March 2, 1827, authorizing the General Assembly of Indiana to locate and

But, while our best energies are exerted, to improve the natural advantages and to bring into active and useful exertion, the various resources of the state, shall we leave to neglect, the culture of the mind, the education of our youth, and the advancement of science and intelligence amongst our fellow-citizens? The reflection, that we are deeply responsible to our successors and to posterity, for a march of intellect co-equal with the flowing increase of our population—with the regenerated spirit of the age—and for a diffusion of light and knowledge in proportion to the brightening rays which daily beam new lustre on our falling forests, forbid it. The awakened zeal of the world in the cause of mind, and the golden opportunity which *we* possess, to shine in the republic of letters, forbid it. The pride of our state, aroused by the noble examples of her sisters, calls on us to be no longer indebted to them for the progress of knowledge and science. And the time has fully come, when our prospects and circumstances will permit this heart-cheering subject to receive the fostering attention and countenance of the legislature. Those governments that exist through their usurpation, frauds and force, and whose principle is fear, require an ignorant populace; but in one like ours, where virtue is the principle, and *reason*

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build the road, and placing the land grant at their sole disposal. U. S. *Senate Documents,* 19 Congress, 2 session, No. 31; U. S. *Statutes at Large,* 4:234-35.

alone moves the great machinery, intelligence is the rock on which all hope is reposed. I would therefore, earnestly suggest the propriety of extending the means of the state to the furtherance of the object, with such liberality as our combined means will justify. With the control of the available donation in lands, which has been vested in *you,* for the use of a seminary of learning, and of the section reserved to the *inhabitants* of the several congressional townships for the use of *common schools,* a treasury filled beyond the correspondent charges against it, and a people anxious for the dissemination of useful knowledge to applaud you, I have every confidence that the subject of education from its *first* principles to its more *advanced* and liberal summits, will receive your unreserved sanction and effectual encouragement. It must be admitted, that these lands subjected to our use for the best of purposes, although intrinsically valuable, are at present in a great degree, either wild, and covered with nature's rank, rich, uncultivated growth, (as is to be feared are the minds of too many of our rising youth) or only so partially improved and tenanted, as to be of but trifling avail now, and of little promise to the future. The propriety is therefore respectfully submitted, of giving such permanency to the management or disposal of these various tracts, as will leave an *immediate* aid and spring to the high objects they were designed to advance. The public Seminary at Bloomington, with the exertions of its directors, and of the scientific professor under whose immediate charge the institution, with every propriety is placed, is advancing in usefulness and character. It is presented as deserving your paternal care, and as requiring only your favorable countenance and support, to ensure its permanency and respectability. If the judicious intimation in our constitution as to a sale of the seminary lands after the year 1820, should be repulsed by your views of policy, and our state institutions, are left solely to rely upon the proceeds of those lands for support, you can then, easily be made sensible of the necessity of appropriating something from the treasury towards the improvement of this rising seminary. Books, apparatus for the illustration of the sciences, and a decent compensation to the professor are indispensible pre-requisites to the success of the college. With such ample resources in land as we possess for building up and patronizing a great state institution of learning, in Indiana, she should no longer indulge herself in a state of passivity on this subject, but at once admit the truism, that letters and intelligence are the precursors of power. Education made the Greeks good members of the commonwealth by enabling them to acquire such arts and habits, as rendered their services available, in peace or war. In the most flourishing period of the Roman republic, literature had a patron in every great man; and instruction prepared all orders of their youth for the senate, the bar, or the field. But here in this land of freedom more than any where else, knowledge is our sword and shield—hence let us gird upon posterity this formidable panoply, and the republic is safe.

That section of land in each congressional township, for the use of common schools requires your particular notice. The laws regulating these lands are susceptible of improvement. Something should be done to prevent the commission of waste upon them. To find the most effectual preventive there is some difficulty. What strikes me as most likely to succeed, under the present mode of disposing of them, is to give long leases for a certain and determinate term of years, on a yearly ground rent, and to subject tresspassers to an indictment in the circuit court. In this way you may create such an interest in the lessce as to induce him to preserve the soil and timber; whilst on the other hand you threaten him and all others with the terrors of a public prosecution. You will find that the law regulating these sections, is extremely loose, having no vindicatory clause. The example, however, which Ohio has set in getting an act of Congress passed for the sale of similar lands, may influence your decision, and induce you to embrace that course. Whatever plan you may devise, let it have uniformity in view. There are already leases given in this state on these lands for almost every term, from five to ninety nine years. This will present great confusion, to the future legislator, if he ever concludes to dispose of the right of soil.[16]

All well regulated states both ancient and modern, have viewed the acquisition of knowledge as the most essential requisite, to the strength, prosperity and durability of government. Useful information may be obtained, from the most remote periods of antiquity, the middle ages, or more modern times, by reading. No period of the world, however, can admissibly compare with the last half century for the general diffusion of that kind of information which relates to the interests of the social compact. Great geniuses have appeared, and furnished new theories for investigation and reflection. Intelligence seems to be flying with immense velocity, from one quarter of the globe to the other; and every annual revolution of the earth, discovers some hitherto hidden invention, that is valuable to mankind. The press, is a principal auxiliary to the march of mind: and *books* are the *records* of man's mysterious but exalted character. States, therefore, and particularly republican ones, should provide themselves a library whenever their means will justify.[17] In this age of successful experiment, and improvement, they should have under their control and accessible to their public functionaries, such historical, political and scientific works at least, as concern those principal measures, which most agitate their councils. I presume you are already apprized that Marion county sets up a claim under the constitution, to something from the sales of town lots here, for a library. As I anticipate you will recognize this claim to some extent, a union between the two interests would be advisable. I would therefore, respectfully, from all these considerations, recommend to you, to set apart a respectable fund annually for a public library, to be subject to such detail as you may prescribe by law.[18]

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[16] A number of acts relating to education were passed at this session. One provided for the appointment of commissioners who were to have charge of the sale of the township reserved in Gibson County for a seminary of learning and for the sale of most of the township in Monroe County reserved for the state seminary. Moneys received from the sales were to be placed in the state treasury and used for the state seminary at Bloomington. *Laws of Indiana,* 1826-27, pp. 96-99. Another act appointed a board of visitors to the state seminary at Bloomington who were to meet semiannually, check on the management and conduct of the school, and make an annual report to the General Assembly. *Ibid.,* 99-100. Other acts passed included the incorporation of five county seminaries and authorization for the appointment of seminary trustees in twelve other counties who were to procure sites for seminary buildings and begin erection of the same whenever the amount in the county seminary fund reached $600. On the primary level, the friends of education were not so successful. A joint resolution relative to the establishment of primary schools in each township failed to pass. *Senate Journal,* 1826-27, p. 111; *House Journal,* 1826-27, pp. 353-54, 366-67. Another joint resolution, instructing Indiana's representatives in Congress to secure permission to sell the section reserved in each township for the use of schools, was adopted. *Laws of Indiana,* 1826-27, p. 102.

I must here observe, that during the last summer I had the pleasure to receive from Matthew Carey, and others, the acting committee for the Pennsylvania Society, for the promotion of internal improvement, proposals for publishing by subscription, under the auspices of that Society, the reports of William Strickland, Esq. agent for the society, on a tour through Great Britain, with a request that this state might take some copies of the work. The prospectus itself, which

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[17] An Indiana State Library had been established by an act approved February 11, 1825.

[18] Article IX, Section 5, of the Constitution of 1816 had stipulated that whenever a new county was organized, 10 per cent of the proceeds from the sale of town lots in the county seat was to be reserved for the use of a public library. The situation in Marion County was different from that in other counties, for Indianapolis was not only the county seat but the state capital, and money from the sale of lots was pledged for public buildings. In the act of December 31, 1821, organizing the county, provision was made that after the sum appropriated from the Indianapolis fund for the state prison was paid, 2 per cent of the proceeds from the sale of lots in Indianapolis should be reserved for use of a county library. The committee on the affairs of Indianapolis, to which this portion of the Governor's message was referred, reported a bill appropriating a sum for a county library, but it apparently did not get past second reading. *House Journal*, 1826-27, pp. 203, 429, 433. The Marion County library was established in 1844. It survived longer than those established in other counties. When space was no longer available for it in the courthouse, it was moved to a building at the county poor farm. Early in the 1930's the funds of the library and books were transferred to the Indiana Historical Society.

I will lay before you, will shew the design of the publishers. This work will be useful. It is to unfold to us a correct knowledge of those sciences which are not generally understood, but becoming the most useful to the statesman. Wherever a correct knowledge of the principles of canalling, and constructing rail and turnpike roads are appreciated, the necessity of these publications will be admitted. The work will contain eighty engravings and cost ten dollars. I would advise a subscription for a few copies.[19]

I have the honour to lay before the legislature, two communications of Mr. Peale, the last surviving artist who enjoyed the privilege of painting the portrait of General Washington from life, in which he tenders to Indiana the opportunity of procuring a copy of the likeness of that great and good man.[20]

The Books of the agent of the state for Indianapolis affairs, shews that 165 lots have been relinquished and forfeited to the state. The amount these lots originally sold for, in the year 1821, is $17,506.25. Good faith requires that *all* the public buildings should be erected on the different squares laid out in the town, as soon as the means can be raised to do so. To this end, therefore, a sale of in-lots, a re-sale of the forfeited ones and a sale of some out-lots would be advisable. I would divide those lands of the donation, lying without the present surveyed outlots, into parcels of twenty acres. As circumstances not necessary at this time to mention, have induced the reduction of the Agents salary below what that officer *ought* to have for his services, I shall hope that the propriety of an increase of compensation, will claim a place in your deliberations.[21]

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[19] A resolution was passed authorizing the State Library to subscribe for two copies of Strickland's *Reports* and pay for them out of its annual appropriation. *Laws of Indiana*, p. 104. The reports favored the building of railroads in preference to canals.

[20] The House committee to whom this part of the Governor's message was referred gave as their opinion, "that the money of this state should be expended for the general good, and that the expenditure of $1000 for the proposed portrait, would exceed the proper resources of the state . . ." and would be "inexpedient at the present time." They also doubted whether marble or canvas was "necessary to keep alive that love and devotion, to the father of his country, which entableted on the hearts of Americans must defy the march of time." The House concurred in the committee report. *House Journal*, 1826-27, pp. 160-61.

The concerns of our state prison and some reflections connected with it deserve your examination. At this time, the Penitentiary is crowded with convicts. The cause is obvious. We have not been sufficiently attentive, to a provision in the Constitution, making it the duty of the General Assembly "to form a penal code founded on the principles of reformation, and not of vindictive justice." Nor have we adhered to that good legal maxim with a proper pertinacity, that *certainty* and not severity of punishment is the surest way of preventing the commission of offenses. The nicest discrimination is also necessary, in the gradation of offences. While cruel and disproportioned punishments are inflicted for slight and trivial offences, dangerous motives are created for suffering offenders to escape altogether. Mercy of necessity should shine forth in the laws themselves, and not in the execution of them: Courts it seems have no power to commute offences; and where the conviction appears doubtful, or the punishment looks to be unreasonable for the crime, they are too apt under the influence of those sympathies at all times honorable to human nature, to excuse themselves from a re-investigation of the case, and throw the responsibility of decision upon another department of the government, petitioning the Executive for the exercise of clemency. He must act (not knowing the facts of each case[)] upon such information as is laid before him. The exercise of the pardoning power by the Executive, is at all times, even upon the request of the court, and jury who tried the cause, or the people, truly a delicate matter; and should have advocates in such cases only, as imperiously require it. But such is the natural consequence, growing out of penalties, bearing no just proportion to the moral turpitude of the crime. Under the influence of the same merciful feeling, juries frequently after convicting, immediately recommend the culprit to the consideration of the Governor, for the *same cause,* and assigning too frequently *the very reasons* for a pardon, which ought to have acquitted the defendant on the trial. I fear that we have too many penitentiary offences, either for the interest of the state, the purpose of example, or the reformation of the culprit. Look in your penal code, for instance, at the punishment of larceny. The convict may be imprisoned as long in the state prison for stealing a penknife, a yard of tape, or an apple severed from the tree, as for an hundred thousand dollars.

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[21] The salary of the agent was increased to $200 by one bill, and another authorized the sale of additional lots and the resale of forfeited lots as recommended by the Governor. *Laws of Indiana,* 1826-27, pp. 3, 5-7. The sale was held May 7 and 8, 1827; 106 in lots and 23 out lots, containing 142 acres, were sold; the amount of the sales was $9,761.70, of which one fifth was paid in hand and the remainder was to be paid in four annual installments. Indianapolis *Indiana Journal,* May 15, 1827.

I would therefore recommend to you, to make prudent distinctions between offences, and especially in the crime of larceny. I would settle upon such a value for grand larceny, as should imprison the person that commits it, for not less than   years. But petit larceny may be fully and advantageously punished in some other way, such as labor on the public highway and the loss of all privileges. Be pleased, therefore, to let me press upon you, this other section of our constitution, art. 1, sec. 16, "All penalties *shall* be proportioned to the nature of the offence." Before I dismiss this subject, I am constrained by a proper sense of duty, and a due sensibility for the unfortunate, illiterate portion of the community, to assign another cause for the number of convictions for crimes and misdemeanors, whilst I shall respectfully propose a remedy—a remedy novel, but not the less reasonable, for it bears the impress of its own philosophy. The laws of the land of a criminal and penal nature, are not sufficiently promulgated and known amongst the great mass of the people, upon whom they operate, to apprize them of their character and provisions, so as to enable them to avoid their violation. How many industrious, enterprising and virtuous citizens are there amongst us, who cannot even read the law; and how many more must there be, whose abilities enable them to read, but to whom our statute books are inaccessible, your experience can tell?

How then, are *these* to learn the long catalogue of crime, &c. Must they know right from wrong instinctively, and be responsible in life, reputation, person and property, for the errors of opinion and action, as to moral duty? It is not every one that has happily been educated in a christian school of theology. Some there are, who have never seen the excellent precepts of the bible. Without a knowledge of laws, either human or divine, the distinction with such, between *right* and *wrong,* is a mere creature of opinion and depending upon present circumstances. Nothing can be harder in its operation, in such cases, than the acknowledged maxim, "ignorantia legis, neminem excusat." Again and again are offences committed ignorant of the law that created them, & the first intimation that the innocent violator receives of his transgression, is accompanied with the thunders of an awful prosecution. I would therefore advise a republication of the criminal code as soon as practicable, to be circulated amongst the people; and I would also advise that you require the president judge or prosecutor of each judicial circuit in the state, on the first day of every court in each county, to read in the court house the acts defining crimes and punishments, with proper illustrations, with such common law offences, as shall be supposed may be committed.

This would have its good effect upon all conditions of the people, the illiterate especially. So soon as this mode of promulgating the laws becomes notorious, those who are anxious to be loyal and obedient citizens, and whose rights should be protected, will avail themselves in great numbers, of this fine opportunity of learning their legal duty. I will here also take the liberty of recommending, without comment, for the sake of justice, that you do extend by law the privilege to a criminal and the state, of asking the jury before they are empannelled and sworn, *whether they have formed or expressed an opinion of the defendant's guilt or innocence.*[22]

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[22] No changes were made in the criminal code at this session.

In the reduction of the standing army, the United States placed every confidence and reliance in the militia of the several states. That the *citizen soldier* is the bulwark of our defence, is a principle too generally admitted at this day, to be in the least strengthened by an assertion of mine. Hence, the states should possess the means of sustaining this exalted opinion of their prowess. A co-operation with the union on the part of the states, to assume an attitude of preparation for emergencies, deserves our unqualified acquiescence. A presumption like this, induced Congress by their law, to provide for arming and equipping the militia of the states.

This state has been made to feel in an imperfect manner, some of the advantages of this enactment—imperfect, on account of a continuous listlessness with us, to this momentous purpose. We *unofficially* know that this state has already received a handsome supply of arms and munitions of war, but where, or in what condition they are, is the subject of conjecture? The congressional act of 1808, contemplates state legislation for their reception, distribution and preservation; but silent we have remained to these high considerations. Irreparable injury is the consequence. A law should be passed providing for the organization of a Quarter Master General's department, and defining his powers, or giving a discretion to make such rules as he may deem necessary to carry the object of the act into effect, with power to enforce his orders. The object of such a statute would be, to ascertain what kind of arms, and how, and to what extent they have been received in this state, and to provide for their future distribution and preservation. A compensation should be allowed adequate to the service, labor and responsibility of that officer.[23]

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[23] Some of these recommendations were incorporated in a bill of this session amending the militia act of 1824. The commandants of divisions, brigades, regiments, and companies were to report on the number of public and private arms in their commands, and these returns were to be furnished the quartermaster general by the several major generals on or before the next meeting of the General Assembly. The quartermaster general was to receive $50 annually for his services. *Laws of Indiana,* 1826-27, pp. 39-40.

The attention of a former legislature was called to the propriety of improving our statutes for the benefit of the poor. A law was passed last session, making it the duty of the clerks of counties by the first day of September, to certify to the Secretary's office the expense of supporting the poor under the present system, one year, with a view of shewing its defect upon the principles of economy, and to furnish reasons for a change.

That law seems to have been *disregarded* by most of the clerks, as but fourteen returns have come to hand. Those returns, however, which are present, will give you some idea of the whole expense in the state although far from giving satisfaction. That the state may be divided into districts, a tract of land purchased in each, and an asylum constructed thereon, in which the poor and infirm may be supported at half the expense of the present system, and with far more humanity, and credit to the country, as well as comfort to the unfortunate objects of charity, and in the spirit of the constitution, is sincerely believed by those who have given this soul kindling subject a careful investigation. Hence, I may freely ask for the satisfactory reason, why such a system shall not command your sympathies and convince your judgments? I view it as our constitutional, yea, moral duty, to interfere in this business. And I hope we will pause, ere we conclude that our existing laws in this respect, are not a deep blot upon the fair escutcheon of our country's fame. Do they speak the spirit of the age, which is pregnant with relief for the poor, the unfortunate, the weak, the miserable? There are those who think they do not.[24]

I am happy to have it in my power to inform you, that our financial concerns are in the most flourishing condition. The existing revenue system presents us with very satisfactory and successful results. Free from debt, exempt from embarassments of any kind, rich in resources, with a treasury filled to meet all the ordinary and necessary demands upon it, and with a bright prospect of lessening the people's burdens we may with every propriety mingle our congratulations together, under such a heart animating combination of pleasing circumstances. It affords me great pleasure to believe, that we shall mutually view the practical operation of those revenue laws, in a favorable light, which produce plenty with certainty to support the government, without creating dissatisfaction in the community. The voice of history admonishes us to stability in these matters. Frequent changes are productive of frequent mischiefs. The best talents in the world have often been exerted to produce good revenue systems, and at last admit that, that system which is best adapted to the particular circumstances of those who are made to feel it, is the best. No doubt, the ad valorem system is the most equitable, yet difficult to carry into effect. The time however, may come, when it will be found the favorite one with us.

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[24] See *ante,* 87-89n. The judiciary committee of the Senate reported a bill to provide three asylums in the state for the poor; it was read twice and committed to a committee of the whole, but no further mention of it was found in the Journal. The House committee to whom this part of the Governor's message was referred reported that they deemed it inexpedient at this time to legislate on the subject of poor relief. *Senate Journal,* 1826-27, pp. 70-71; *House Journal,* 1826-27, p. 139.

Whilst on this subject, I will take the liberty of suggesting an amendment to the revenue law in aid of the system. I would compel the collectors to settle with the Treasurer according to the *taxable* lands in his county; and let a map from the land office be evidence of that *quantity*. If this intimation were to be approbated by you, no assessment of lands will be necessary.[25]

The receipts into the treasury, during the year 1826, of the revenue of 1825, and from all sources, ending the first of December, instant, including seven thousand eleven dollars 95-100 formerly in the treasury, amount to thirty-five thousand three hundred and thirty-one dollars 32-100. The expenditures for the same time, amount to thirty-one thousand two hundred and twenty-four dollars 92-100, leaving a balance in the treasury, of those receipts, of four thousand and one hundred and six dollars 40-100, at this time. The expenditures consist of $24,294 50 for the civil list, $5,000 paid Frederick Rapp, in liquidation of his claims against the state, $1,240 of treasury notes burnt, and $690 42 of interest paid.[26]

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[25] An amendment to the revenue law was passed at this session but it did not include the Governor's recommendation regarding collectors. *Laws of Indiana*, 1826-27, pp. 66-68.

The assessments of the present year under the existing act, are estimated at $44,000. Of this sum it is believed that the treasury will realize the sum of thirty-four thousand dollars by the first of January next, allowing $10,000 for delinquencies and commissions. Add to this sum the remaining balance in the treasury, and it will make 38,106 40-100, which will be in the treasury on the first of January to meet the demands of the current year. To this sum may also be added, in expectancy, the sum of $2,000, which will, in all probability, be paid during the next year, on different delinquent lists; and your available funds will be $40,106 40.

The whole expenses of the current year, may be estimated at $25,000. This amount deducted from the sum expected to reach the treasury, will leave $15,106 40 to be disposed of by you in payment of the public debt, or towards such other objects as in the plenitude of your wisdom, and with a knowledge of the wishes of your constituents, you may direct.

Our state debt is at this time, in a fair way to be suddenly extinguished. During the last year $5000 were paid Mr. Rapp, as before mentioned. By the communication herewith laid before you, which I had the honor recently to receive from Mr. Rush, the secretary of the treasury,[27] you will perceive that the state has procured a credit to be entered on the bonds which the United States as assignees of the bank of Vincennes holds on her, for $5000; leaving a balance due the General Government on those bonds of $1873 17-100, with interest from the

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[26] The figures given by the Governor vary slightly from those given in the Treasurer's report, *ante,* 157-61.

[27] The Governor's letter of December 12, transmitting the communication from the Secretary of the Treasury, is printed in the *House Journal,* 1826-27, p. 87.

21st of December, 1821. These two sums making $10,000 deducted from the public debt will only leave the following items, to wit: To the road and canal fund, $6800; to the seminary fund, $2296 96, to balance due the United States, $2341 46, and to the holders of outstanding warrants, about $2658 54. Of this debt there will not be demanded the ensuing year, more than the sums due the United States and the holders of warrants, amounting to $5000.[28] The balance may be paid at the pleasure of the state. Thus, you see, that we can pay all the pressing debts owing, and will have $10,106 40 in the treasury, after paying all the accounts of the financial year.

Another year will place us on a commanding footing at the present rate of assessments. Individual lands in fifteen counties, heretofore exempt by virtue of the compact, will be liable to taxation during the next season. About fifty thousand polls, added to this immense additional source of revenue will produce something like sixty thousand dollars. Should we continue to grow and expand our means, with the same astonishing rapidity that has characterized us for past years, and our councils continue to be guided by wisdom and fidelity, we shall run a glorious career, indeed outstripping all political calculation. The expenses of the ensuing year will not, in all probability exceed those of this; and should you think fit to exact no more from the people than is necessary for the ordinary purposes of government, you may reduce the taxes at the rate of twenty per cent. If you reduce any tax, it would be congenial to thousands of your fellow citizens for you to lay a foundation for the abolition of the poll tax. It seems disagreeable to the majority of the people; and as this is their government, let it be administered to their satisfaction.[29]

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[28] The Assembly appropriated $2,435.12 to pay the debt due the United States, assignee of the Bank of Vincennes, including principal and interest. *Laws of Indiana*, 1826-27, p. 11.

[29] The poll tax was reduced from 50 cents to 37½ cents by the Assembly, and the state tax rate on land was reduced from $1.00 to 80 cents on each $100 valuation of first-rate land; from 80 to 60 cents on second-rate land; and from 60 to 40 cents on third-rate land. *Laws of*

Finally, I would remark, that you are now about to enter upon the business of the session. That department of the government which you are, must necessarily act conjointly with him who exercises Executive power.—If I have any one wish, at this time, that predominates, it is, that these two departments may act in harmonious unison for the good of our mutual and beloved country. Your Executive only asks you for as much of your friendly support and co-operation, as may be essential, to guarantee to our growing republic, those infinite and high destinies, which her commanding situation, nature and nature's God, hold in reserve for her. When it becomes necessary for you, in the exercise of your delegated powers, to select from among your fellow-citizens, some one for public office, allow me to indulge a silent hope, that your predilections for men, may in no respect disturb the measures of the government. Suffer it, and you will make a grave for wholesome legislation. Calm, free and dispassionate investigations on the merits of all propositions, are apt to ultimate in safe and enlightened conclusions.

Thus may we live, think and act for our country.

James B. Ray

Indianapolis, December 8, 1826.

Ray to President of the Senate: Nominations for Prosecuting Attorneys[1]

Executive Department, Dec. 11th, 1826.

Hon. John Thompson, President of the Senate—

Sir—Allow me to inform the Senate, that W. W. Wick, Esq. the bearer hereof, is authorized to bear the enclosed message to them.[2] I have the honor to be, &c.

J. Brown Ray

Indiana, 1825, p. 67; 1826-27, p. 68. No change was made in the county tax rates. The editor of the Indianapolis *Indiana Journal* believed the Governor was overestimating the increase in revenue that the state might expect. Issue of December 19, 1826.

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[1] Indiana *Senate Journal,* 1826-27, pp. 49-50.

[2] The House and Senate refused to receive any communication from

[Enclosure]

EXECUTIVE DEPARTMENT, Dec. 11th, 1826

TO THE HON. THE SENATE OF THE STATE OF INDIANA:

GENTLEMEN—I hereby nominate to your honorable body, John Law, Esquire, as prosecuting attorney of the first judicial circuit, in the state of Indiana; Milton Stapp, Esquire, as prosecuting attorney of the second judicial circuit, in the state of Indiana; Amos Lane, Esquire, as prosecuting attorney of the third judicial circuit, in the state of Indiana; Charles I. Battel, Esquire, as prosecuting attorney of the fourth judicial circuit, in the state of Indiana, and James Whitcomb, Esquire, as prosecuting attorney of the fifth judicial circuit in the state of Indiana; to all of which your *advice, consent and concurrence* is respectfully requested, at such time as you may deem most proper, during the present session of the General Assembly.[3]

I have the honor to be, very respectfully, Your most obedient servant,

J. BROWN RAY

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the Governor except by the hand of his official messenger, hence the formality. Ray's practice of using such messengers as occasion offered instead of appointing a private secretary whose duties should include the transmission of communications to the General Assembly led to friction with that body.

[3] By an act of 1824 the Governor was given the power to appoint one prosecutor for each of the five judicial circuits in the state, to hold office for one year, the term to begin the following August. *Revised Laws of Indiana,* 1824, p. 127. Under this law, Governor Hendricks made the appointments in August, 1824, and Ray in August, 1825. The Assembly of 1825-26 then amended the law to extend the term to two years and to require Senate confirmation of the Governor's nominations to the offices. *Laws of Indiana,* 1825-26, pp. 58-59. Since the legislature was not in session at the time the terms of the prosecutors expired in August, 1826, it was necessary for the Governor to make interim appointments and then send the names to the Senate when that body convened. Confirmation of the nominations was withheld, however, for a movement was on foot to take the appointment of prosecutors completely out of the hands of the Governor and give it to the Assembly. On December 28 an act was passed providing for the election of the prosecuting attorneys by joint ballot of the two houses, and two days later the election was held. Law, Battell, and Whitcomb were successful, but in the second circuit, John Kingsbury was elected over Milton Stapp, and in the third

The Secretary of War to Ray[1]

Department of War 11th December, 1826

To His Excellency J. B. Ray,
Indianapolis, Inda.

Sir, I have had the honor to receive your letter of the 11th Ultimo,[2] and to state that the Treaties with the Miamis and Pottawatimies were duly received; and that immediately after the Senate shall have advised and consented to their ratification, estimates to carry them into effect will be sent to the Committee of Ways and Means, and on the appropriation being made remittances, as you desire shall be made, without any delay, to his Excy Govr Cass, to carry their several provisions into effect.—

I have the honor &c, &c,

James Barbour

Ray to the President of the Senate: Forwards Communication from William Maclure[1]

Executive Department, December 14th, 1826

The Hon'ble John H. Thompson, Pres't of the Senate:

Hon. the Senate: Gentlemen—I have the honor to lay before you, a communication and memorial from William Maclure, Esq. of New Harmony, praying for an act of incorpora-

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circuit, Cyrus Finch in place of Amos Lane. *Laws of Indiana*, 1826-27, p. 22; *House Journal*, 1826-27, pp. 217-19. The office was much sought after and competition was keen among the lawyers of the various circuits. While the office was appointive, the Governor was besieged with letters of recommendation and petitions. Some of these have been preserved in the files of the Secretary of State, Archives Division, Indiana State Library. Examples of those received by Governor Ray are printed *ante*, 120-21, 122-23, 124-25, 131-33, 141-42.

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[1] NA: Indian Office, Letter Books, 3:254.

[2] Not found.

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[1] Indiana *Senate Journal*, 1826-27, p. 63.

tion, for education purposes.[2] Most respectfully, I am, Your obedient servant,

J. BROWN RAY

N.B. The bearer is authorized to bear this message.

J. B. RAY

Report of Committee on Ways and Means Relative to the Contingent Fund[1]

[December 15, 1826]

THE COMMITTEE OF WAYS AND MEANS, upon examination of the books and accounts of the treasury, find the following items of expenditures, paid out of the contingent fund, by order of the Governor in 1826, to wit:[2]

Postage to S. Henderson,	$54 70
Allowance to marshall for collecting return of votes for President of U. S. &c	4 00
Stationary and andirons, to Conner,	12 00
Freight and carriage on boxes of books directed to Gov. Indiana,	29 04
Letter paper, ink, quills, feriten, penknife, &c. for Governor and secretary,	30 66
W. H. Lilley for postage,	1 50

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[2] A bill was introduced in the Senate on January 5, 1827, to incorporate the New Harmony Education Society; it was read twice and then indefinitely postponed. The text of the bill is given in *Senate Journal*, 1826-27, pp. 127-28, 132, 181-82. For the formation of the Education Society, see Arthur E. Bestor, Jr., *Education and Reform at New Harmony. Correspondence of William Maclure and Marie Duclos Fretageot 1820-1833* (*Indiana Historical Society Publications*, Vol. 15, No. 3, Indianapolis, 1948), index.

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[1] Indiana *House Journal*, 1826-27, pp. 113-14.

[2] Following presentation of the report, the House requested the Governor to lay before them all the particulars of the drafts drawn on the contingent fund so that they could determine whether or not they were reasonable; they also requested information regarding the fugitive from justice mentioned in the report. *House Journal*, 1826-27, p. 116. These demands made upon the Governor were no doubt prompted by political motives. See the Governor's reply below.

Desk and table for Adj. general, to F. T. Luce,	14 00	
W. W. Wick secretary of state, making marginal notes, copying laws, &c.	85 00	
W. H. Lilly, paper case to W. Smith,	18 00	
Brass lock for secretary's office to A. W. Reed,	3 00	
Printing Tennessee resolution, Smith & Bolton,	2 00	
W. W. Wick secretary, superintending printing, &c.	25 00	
Ditto, ditto, Cordage and packing,	3 50	
Ditto, ditto, Ribband and tape,	1 25	
Postage for Governor and secretary,	13 88	
Making tract books for 17 counties and distributing same to S. Merrill,	20 94	
Carriage and books per John Givan,	1 50	
Repairs to secretary's office, J. E. Baker,	75	
Letter paper, Holland quills, wafers, tape, sand, &c. to Governor, secretary, adjutant general and public printer,	50 38	
Frames for declaration of Independence, to John Baly,	10 00	
Painting same,	3 50	
Printing notices for proposals for distributing laws, per Douglass & Maguire,	9 25	
Blank books per secretary, John Sering,	11 25	
Demanding fugitive from justice, John Ewing,	50 00	
Prosecuting attorney, attending suits for agent of Indianapolis,	40 00	
Postage,	67 75	
B. I. Blythe, iron and carriage of same,	14 50	
2 reams ruled paper per tract book,	10 50	
	$588 23	[$587 85]

Upon examination it will be seen, that those allowances have been liberal in the extreme, even to a profusion, so much so that your committee have been constrained to express their decided disapprobation. Your committee would here remark, that if the salaries of our officers, should be found to be too low, it would be well to raise them, but this is not admitted. To remedy which, and if possible prevent a future recurrence of like evils, your committee would recommend a much smaller appropriation, for the contingent fund, for the present year. Among other matters referred to your committee is a bill requiring certain duties to be performed by the Auditor and Treasurer, the passage of the first section of which, your committee would earnestly recommend, and to that end the committee have directed me to report the following bill, to wit: "A bill requiring certain duties to be performed by the auditor of public accounts, the secretary and treasurer of state."[3]

Ray to Speaker of the House of Representatives: Contingent Fund[1]

EXECUTIVE DEPARTMENT, December 15th, 1826.

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR—In reply to a resolution of the House of Representatives, of this instant, requesting me to lay before them the details, containing all the particulars, of the drafts of the year 1826, drawn on the contingent fund; and to inform the House who a certain fugitive from justice was, (and from where he fled, and for what indicted,) for the reclamation of whom an allowance has been made; I have the honor to state, that the drafts drawn on the contingent fund for the year 1826, and

[3] The report and the bill were read in the House and then ordered to lie on the table. Later, the report was recommitted to the ways and means committee (see *post*, 200n), and an investigation was made into the relative duties performed by the auditor, secretary, and treasurer (see *post*, 204n).

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[1] Indiana *House Journal*, 1826-27, pp. 119-20.

the considerations and particulars, for which they were drawn, are not in my possession, but in the office of the Treasurer of State, where it has been my custom to file them, and his to receive them, as his vouchers for the payment of the money; to which office, I would respectfully direct the attention of the House of Representatives, for the information they wish:[2] And the record and request made of me, by the Knox circuit court, which I herewith lay before the House of Representatives, will fully shew, who the fugitive from justice was, and from where he fled, and for what indicted, for the reclamation of whom an allowance has been made.[3] I will here take the liberty of remarking that I felt sensible, when the allowance was made for making the demand on the Governor of Illinois alluded to, that it was only sufficient to cover *expenses,* presuming that the legislature, would recognize that clause in the constitution which makes it my duty to see the laws faithfully executed, and the constitution of the United States and laws of Congress, which make it my duty to make such demands, and appoint agents to execute them, and make an adequate additional allowance for the services.

All of which is respectfully submitted.

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[2] A resolution to request the treasurer to furnish the House a statement and the vouchers upon which the Governor drew money from the contingent fund was not adopted, nor was a resolution calling for a select committee to investigate the expenditures of the contingent fund from the beginning of Governor Ray's administration. Instead, the report submitted by the Ways and Means Committee was recommitted to that committee with instructions to report their opinion concerning the various items together with copies of the vouchers. After checking the vouchers, the committee reported that they did not believe any orders had been drawn in favor of persons who had not rendered service to the state, but that part of the services compensated out of the contingent fund should have been provided for by legislative appropriation, and that the Governor should be relieved of the responsibility of making allowances except in cases of emergency that could not be foreseen by the legislature. The report also reaffirmed the opinion that some of the charges on which allowances were made were extravagant. *House Journal,* 1826-27, pp. 121, 130-33, 182.

[3] On August 23, 1826, a demand was made upon the Governor of Illinois for John Seebolt indicted by the Knox County Circuit Court for the crime of kidnaping. *Executive Proceedings, 1816-1836,* p. 294.

I have the honor to be, most respectfully, Your obedient servant,

J. Brown Ray

Ray to the Speaker of the House: Forwards Communication from the Secretary of War[1]

Executive Department
Indianapolis December 20th, 1826

Hon. Speaker of the House of Representatives:

Sir—I hereby lay before the House over which you have the honor to preside, a printed communication from the secretary of war, containing a series of enquiries relative to a complete system of cavalry tactics; and also, a system of instruction of field artillery, including manoeuvres for light or horse artillery, for the use of the militia of the United States, which will be doubtless interesting to the committee on military affairs.[2]

Most respectfully, I remain, your obedient servant.

J. Brown Ray

Ray to the Speaker of the House: Returns Two Joint Resolutions for Reconsideration[1]

Executive Department,
Indianapolis December 30th, 1826.

Hon. H. H. Moore, Speaker of the House of Representatives:

Sir—I herewith return two joint resolutions of the General Assembly of this state, to the House of Representatives for a

[1] Indiana *House Journal*, 1826-27, p. 148.

[2] Secretary Barbour's letter dated July 11, 1826, propounded nineteen questions regarding the militia, and was sent to the governors of each of the states. It is printed in *American State Papers. Military Affairs,* 3:393-94. Ray's reply to the questions is printed *ante,* 150-52. In response to a joint resolution of Congress of May 18, 1826, a system of cavalry tactics was drawn up and transmitted to the national House of Representatives on January 8, 1827. It is printed as Document 57 in *House Executive Documents,* 19 Congress, 2 session, volume 4.

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[1] Indiana *House Journal,* 1826-27, pp. 213-14.

reconsideration, which appears to me are defective in this, to wit:

As there is no general law in force in this state, requiring any particular officer of government to transmit copies of joint resolutions to our Senators and Representatives in Congress, and as these are intended for their use, I would respectfully recommend the adoption of the following resolution to each of the accompanying joint resolutions,[2] that is to say,

Resolved, That the Governor of Indiana, be required to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

Most respectfully, I remain &c.

J. BROWN RAY

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANA January 6th, 1827.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR—In obedience to a resolution of the House, over which you have the honor to preside, I did on this day, transmit by mail, a correct copy of a resolution of the General Assembly of this state, now in session, relative to the lands reserved for the use of salt springs; and also, a resolution respecting certain lands in the vicinity of Indianapolis, to each of our Senators and Representatives in Congress.

Most respectfully I remain, Sir, Your obedient servant,

J. BROWN RAY

[2] The two resolutions referred to related to lands reserved for salt springs and lands in the vicinity of Indianapolis. The Assembly refused to add the additional paragraphs as requested by the Governor. Instead, the two houses repassed the resolutions in their original form and added a third resolution requesting the Governor to transmit the two to each of Indiana's senators and representatives in Congress. *House Journal,* 1826-27, pp. 136, 175, 231, 234-35, 248. See Ray's letter to the Speaker below.

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[1] Indiana *House Journal,* 1826-27, p. 248.

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS January 6th, 1827.

THE HON. THE PRESIDENT OF THE SENATE:

SIR—In obedience to a resolution of the Senate, over which you have the honor to preside, I did on this day, transmit a correct copy of a memorial of the General Assembly of this state, now in session, respecting the graduation of the price of public lands, to each of our Senators and Representatives in Congress.[2]

Most respectfully I remain sir, your ob't serv't.

J. BROWN RAY

Ray to Committee of the House of Representatives: House Rent[1]

EXECUTIVE DEPARTMENT, January 17th 1827.

MESSRS. M'KINNEY, STEVENS AND MORRIS,
Committee of the H. R.

GENTLEMEN, The undersigned freely acknowledges the receipt of your note, addressed him on this instant, with the accompanying resolutions of the House of Representatives, requesting him to state the amount he has paid for house rent

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[1] Indiana *Senate Journal*, 1826-27, p. 136.

[2] The memorial asked for a graduation in the price of public lands according to their value and the length of time they had been offered for sale. Under the present system it was pointed out, the best lands were selected and settled and the poorer ones were left unsettled, thus making for a scattered population, which in turn hindered the formation of new counties and the establishment of local government. The memorial is printed as Document No. 37, *Senate Documents*, 19 Congress, 2 session, vol. 2. A bill had already been introduced in the Senate calling for a graduation in the price of public lands, but after debate it was tabled. *Congressional Debates*, 19 Congress, 2 session, pp. 39-51, 346-47. The memorial is typical of the numerous petitions sent to Congress from the West asking that more consideration be given to purchasers of public lands.

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[1] Indiana *House Journal*, 1826-27, pp. 475-77.

in the town of Indianapolis, during the time he has executed the office of Governor, and to whom the same has been paid.[2] Whilst I recognize in the Representatives of the people, without hestitation, the right to make *such* inquiries of their public servants, as are essential to an explanation of their *official* acts, I cannot accord to them the inquisitorial prerogative of demanding of any one, not even a public officer, a developement of his *individual* and *private transactions.*

On this occasion, however, I shall take no exception to this exercise of power. For many years past, during the administration of my worthy predecessors, it has been the custom of every legislature, under circumstances very different from the present, to provide the means for furnishing a comfortable dwelling house and out houses, &c. for the Executive, suitable to his situation, by placing at his sole disposal, without ever requiring him to render an account of the same, the sum of two hundred dollars, each year. This sum for the last six years that I have had the honor of being in the councils of the state, was never understood by me, as intended to apply to the rent of a dwelling exclusively, until now. I shall be much mistaken, if there are not many gentlemen in the present General Assembly, who can bear witness with me, that this appropriation of money has hitherto been understood, as well to remunerate in part for the inevitable waste and destruction of furniture, continually happening in the house of an Executive officer, who, in conformity with an established custom, tenders his hospitality and manifests his respects to the people's representatives, the distinguished stranger, or welcome friend, as to pay the single item of house rent.

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[2] This request was part of a general investigation into the conduct of state officials and included the relative duties performed by the secretary, auditor, and treasurer, the absence of these officials from their post of duty and how the work of their offices was carried on in their absence, the names of delinquent collectors of the revenue and the sums due from each, and the practice of issuing commissions in the absence of the Governor and Secretary. *House Journal,* 1826-27, pp. 307-9. On January 12, the day before the above resolution was adopted, the auditor and treasurer had been requested to lay before the House a copy of the vouchers filed by Governor Ray with the auditor from the beginning of his term and a copy of the audited warrants paid by the treasurer in favor of the Governor. *Ibid.,* 300-1. Their reports, presented on January 15 (*ibid.,* 316-19, 324-36), in compliance with this request, showed that Ray had received the following amounts for house rent: $50 for first quarter, 1825, audited June 20, 1825; $200 for 1825, audited January 23, 1826; $100 for first and second quarters, 1826, received warrant May 3, 1826; $100 for third and fourth quarters, audited November 30, 1826. The amount allowed by the General Assembly for house rent in 1825 and 1826 was $200 per year. The auditor acknowlledged an error in auditing the Governor's warrant for $200 on January 23, 1826, as $50 had already been paid toward the rental allowance for 1825. Ray apparently tried to rectify the mistake by having that amount taken from his salary account. When the appropriation bill came up for consideration in 1827, the $200 item for house rent was reduced to $161.10 to cover the period from February 14 to December 6, 1827. *Laws of Indiana,* 1826-27, p. 9. See Ray to David G. Mitchell, *post,* 211-13.

The Indianapolis *Gazette,* February 2, 1827, had this to say regarding the investigation: "It must be truly consoling to the Governor's feelings, after undergoing the fiery ordeal of investigation, with his political opponents exhibiting the charges, to find himself, like gold from the crucible, purer from the hands of the refiner—or, at least, to be so estimated by those to whom he is indebted for his political existence." The auditor escaped with a slight reprimand relative to the duties of his office being performed by the treasurer during his absence. See *House Journal,* 1826-27, pp. 470-74, 477-94, 512-14, 522-24, for the documents and letters presented in connection with the investigation of the offices of auditor, secretary, and treasurer.

I shall not be understood to claim any exemption from censure, from the examples of my predecessors, and the uninvestigated manner of former disbursements of this fund; nor shall I appeal to the great increase of Representatives in the halls of the two House, and the consequent increase of business and expense to excuse my course; nor shall I tell you that the Governor of Indiana would grow *poor* with what he receives from the treasury, if he had no other resources to rely upon, to mitigate your report. But I must be permitted to assure you, that this is the first time the intimation has reached me, that the Governor is to be called to an account, even as to the particular persons to whom any thing has been paid, and how, as to a fund which has been placed to his individual credit and discretion, and treated by all the authorities of the state, as a charge upon the treasury, from the time of the appropriation.

During the year 1825, it seems I only drew from the treasury $50, for house rent, &c. of the two hundred dollars that were appropriated. At the commencement of the last session, I could find but one tenantable dwelling in this town, without renting a tavern stand at an extravagant price, which dwelling is the one I now occupy. The owner of the house expressed a wish not to leave it, and the only condition upon which I could be permitted to move into it, was on the terms on which it had been rented to Judge Morris before, to board himself and his clerk, during the time I lived in it. This at the usual rate of the best boarding may be estimated at $200. Allow me here to add, that no consideration other than that of having some place to live in, would have induced me to these terms, so disagreeable to one in my situation, and unpleasant to a private family. I made use of my own funds in 1825, in liquidating a part of the above mentioned accounts and charges, a detail of which can be in no manner interesting to the House, of which you are a committee; and consequently drew from the treasury in 1826, the balance of the whole amount appropriated for two years, for house rent, &c. making in all for the two years, four hundred dollars. Being destitute of a stable when I came to this place where I reside, I have been compelled to expend considerable sums of money in the purchase of the possessors right of lots fenced, to keep horses in, and for pasturing, &c. Feeling as if I would disgust you with a further detail on this subject, of numerous little expenses to which I was from time to time subject, in consequence of not having a comfortable dwelling house and its necessary outhouses, during the time I have been in office, allow me to say, that the whole sum that has been drawn from the treasury for house rent, &c. by me, has not actually covered my losses and sacrifices, growing out of the absence of such buildings and accommodations, as are contemplated by our constitution for your Executive.

At the last session I requested that suitable temporary buildings might be erected for the Governor, as such were not to be rented here at any price; but it was not directed.[3] Hence, during the last summer, I proceeded to erect suitable buildings at my own private expense, which will now soon be finished—buildings which I would not rent to any person for $200. To this edifice I expect in a few weeks to remove, and there to remain whilst in office. I have constructed this building with a view to its usefulness and fitness to the station I occupy.

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[3] The Assembly at this present session took the first step toward providing a home for the Governor by appropriating $4,000 for the erec-

Finding myself no longer dependent for a place to live and do business in, and ascertaining that some are of the opinion, that the present Governor should not be allowed the usual sum; and that he must expose the *manner* of expenditure of any allowance; and finding that the subject is becoming a fruitful source of legislation, detaining your body at a public expense, I must beg leave to request you to communicate this letter to the House of Representatives, with my desire, that with a view to preserve that harmony between the departments of government, so essential to the general good, that no appropriation whatever be hereafter made for house rent. These two hundred dollars annually, may be felt, if appropriated to objects of charity; but I cannot consent to receive it hereafter, if compelled to shew the manner of its expenditure. The state treasury is welcome to it, though richer than myself, if to be attended, with its present difficulties.

Accept, Gentlemen, assurances of my distinguished consideration.

J. BROWN RAY

Charles I. Battell to Ray[1]

EVANSVILLE 27 Jany 1827

HIS EXCELLENCY JAMES B. RAY ESQR

SIR By this mail the sheriff of the county sends his resignation. Alanson Warner of this place will I am informed be

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tion of a residence on the Circle. *Laws of Indiana*, 1826-27, pp. 4-5. The Indianapolis *Gazette*, June 12, 1827, reported that construction was underway. According to this article the structure was sixty-feet square, two stories high, and would cost $6,000.

[1] ALS. ISL: Archives Division, Resignations file.

applicant. No appointment I believe would give more satisfaction than his—for one year, he was deputy, and for 4 years sheriff of this county, and I have never known, and I have heard the remark made by a great many others, so excellent a sheriff—I sincerely hope you will think it expedient to appoint him immediately, as the coroner is an inexperienced man. unless a sheriff is appointed we shall sustain much inconvenience before next August[2]

On my return home, I heard much said on the subject of the attack made on you, & the general impression was that you had lost nothing, but gained much—I have no doubt in my mind, but this will be found to be the case throughout the state.

I am sorry to be obliged to mention to your excellency another subject—you gave me a letter to send to the clerk or some other person of Spencer relative to a stay of execution on a judgment in favor of the state. I must have left it, or mislaid it, as I cannot find it. I am ashamed of my carelessness—but it may be well to send another.

The ice in the river has blocked up all navigation for 6 weeks, and there are one or two steam boats near here. I remain, with sentiments of respect, yours respectfully

C. I. Battell

Ray to John Tipton[1]

Indianapolis Feby. 15th 1827

General John Tipton,

My dear Sir, Allow me to acknowledge the receipt of your very *gratifying* and *satisfactory* letter of the 7th of Jany.[2];

[2] At the August election, 1826, Daniel Miller received 139 votes for sheriff, and Jay Morehouse, 138. The election was contested and result set aside. A special election was then held in which James Newman was apparently elected sheriff for he was commissioned by the Governor on November 20, 1826, to serve until the next general election. Following receipt of his resignation, Alanson Warner was appointed to the office. *Executive Proceedings, 1816-1836,* p. 626.

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[1] ALS. ISL: Tipton Papers.

[2] The letter referred to has not been found.

and to say to you, that your assurance that you did not intend to injure me; gave great relief to my feelings. It was but a difference of opinion at all events about a matter of etiquette, which should not disturb the harmony of that special friendship which I have always entertained for you. I am sorry to find that you misunderstood my allusion, by a remark in my last letter, "that I looked back to some transactions of the treaty with unpleasant feelings."[3] What I meant to say by that expression, was, that I *feared* that *I did* say or do something at the close of the treaty, which had given you offence. I know there was some feeling, which I was sorry for, in one hour afterward. It was this that I intended to say gave me unpleasant feelings. You know we were all Occasionally influenced a little by passion. It is an infirmity incident to our natures. *I tender you the Olive branch.* I certainly done you justice in the paper I signed with Govr. Cass, as to yourself. I could have intended nothing else by any act done. This day the GLORIOUS NEWS reached me here, that the treaties are ratified. This night Indianapolis is to be brilliantly illuminated. The commissioners are cheered and toasted, for having made so good a treaty. It is very popular. Success to it. I wish I could see you & Cass together today, we would rejoice together.

From a private correspondence I have had with the Secretary of War, he assures me that on the ratification of the treaty he will forthwith transmit remittances to Governor Cass, to enable him to carry the treaties fully into effect I presume they are now on their way. They will as a matter of course come into your hands.

By the last mail I received a letter from Governor Cass, *assuring me,* that the *confidential views* we *all* had on the Wabash at the treaty, as to the purchase of Indian goods, would be faithfully and strictly carried into effect. The Indians were told that a large payment of the goods should be made at Indianapolis. I think it was understood that eighteen or twenty thousand were to be paid here So said Governor Cass. Govr. Cass assures me that he will put remittances in your hands, which I will be responsible for, for Mr. James Blair of this place. The best kind of Indian goods will be procured in our Eastern market without delay by him for to discharge that amount. The Indians shall be provided for, as to sustainance whilst here. I will pay the expense of a special messenger, from you to me, here, *as soon* as you receive that remittance from Cass.[4] It is possible I may be at Fort Wayne this spring. Write to me on the receipt of this, and let me know, how matters stand. I learn that our old friend Legrow is dead.[5] I need not apprise you that this letter is *Confidential,* for its contents will do that much. Present my respects to Mrs Tipton, and to my friends at Fort Wayne.

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[3] Ray refers to the Mississinewa treaty held with the Indians in 1826, at which Ray, Tipton, and Cass were commissioners.

I am Sir, respectfully Your Obt. Servant.

J. Brown Ray

(NB) Do not understand me as *doubting,* by my mention of the understanding that we had as to the payments in goods in this letter, that you feel any disposition not to lend your aid to carry it into effect, or that you have changed your determination. I have created expectations here, on the *faith* of our understanding, and do not doubt the result.

Confidential. Res[pectfull]y

J.B.R.

[Addressed:] General, John Tipton, Indian Agent, in Indiana, Fort Wayne, Indiana

[Endorsed:] Answd 29 march 1827[6]

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[4] The Mississinewa treaty provided for the distribution to the Miami Indians of goods valued at $41,259 during 1827 and 1828, and also cattle and hogs. Each chief was to receive a wagon, yoke of oxen, and a house worth $600. *John Tipton Papers,* 1:15. There was keen competition among merchants to supply Indian goods, and Tipton, as Indian agent, was besieged with requests from all parts of the state. See Tipton to Ray, June 4, 1827, and Tipton to Joseph Holman, *et al.,* June 1, 1827, in *ibid.,* 1:718-19n, 727. The latter lists the persons who were chosen to supply treaty goods to the Indians in 1827, among them James Blair who was chosen to supply goods amounting to $1,500. The Indians did not wish to go to Indianapolis to receive their goods and Tipton agreed that they should be distributed at the treaty grounds.

[5] The Miami chief Le Gros died December 22, 1826. *Ibid.,* 1:612n.

[6] Not found.

Ray to David G. Mitchell[1]

INDIANAPOLIS March 28th 1827.

DEAR SIR It gives me much pleasure to acknowledge the receipt of your *kind* letter of the 20th Inst:, to which I hasten to make an imperfect reply.

Your Epistle causes me to presume, that the tongue of slander is not yet still, against me. You intimate, that reports prejudicial to my character, are circulated, and "reiterated," in your county that I have committed some improper act, in paying or returning back monies to the treasury. Some of your last year's Representatives may be attempting to prop up their shameful conduct of last winter, by the propagation of such falsehoods as these; but let me *fearlessly* declare to you, Sir, that every act and deed of mine, since I have been in Office, *has* and will stand the severest test of scrutiny; and that *whoever* insinuates, that I have paid at any time monies back into the treasury for *any* purpose whatever, tells an unqualified falsehood. Every attempt was made last session by a few whose names I need not mention, to spread something on the Journals, that would unrighteously steal away the name I have laboured all my life to acquire amongst men. But, Sir, the Journals will be out in a few days, and will shew all the evil doings; and will fully *answer* and explain your enquiry as to the *money* business.

It will appear that, I had drawn since I have been in office $50 more on the house rent account than was appropriated, Whilst I had nearly at all times large sums lying in the treasury undrawn of my salary account; and that this paying back, which is so basely coloured with perversion, was nothing more than a direction of mine to the Treasurer to take the amount over drawn on the house rent account from my salary, in order to correct the books, and make both accounts appear intelligible; and this was done at the request of the Chairman, of the Committee of Ways & Means, Mr. Ferris, who declared publickly & openly in the House of Representatives that nothing was wrong.[2] If there had been a doubt here, that any thing was improper, do you not suppose that those heated enemies of mine would have agitated it last winter. Indeed, on the subject a general satisfaction was declared. And why now revive it in my absence in a remote corner of the state?

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[1] ALS. IHS: Wm. H. English MSS. Mitchell was a practicing physician in Corydon and a leader in the anti-Masonic movement; he was a brother-in-law of Jonathan Jennings.

This course is somewhat akin to a false letter that was written just before my last election to your county for political purposes, stateing that I had remooved Col. Posey as Adjt. Genl; when it was not done. The time is coming, thank the fates, when I shall get to see the people in person, to expose these calumnies. I am persecuted and slandered, and the people shall know it. They country will do right when rightly informed. I have every confidence in popular government, tho: public servants are subject to the most unmerited abuse. I cannot suppose that the people of Indiana are ungrateful. I was made [governor] by them in opposition to a faction of lawyers, and I hope to be *sustained* by them.

You ask me what I think of Genl Jackson; In answer, suffer me to say, that I think of him, what you can, let your opinion be ever so exalted. I believe him to be a great man and a distinguished chief. I view him like Cincinnatus in retirement, unambitious like Washington, incorruptible like Fabius; one ready again to breast the cannons mouth at the call of his country: but I am truly sorry to find that the policy of his friends in the National Legislature, is not the policy of this country. This will cause an unpleasant struggle between his admirers and the best interests of the land they live in. I fear that internal improvement will be delayed in her mighty march, should he be elected; for his party deny Congress the power of acting on the subject. You know that I was not for Adams before. Again I intend to be governed by the best interests of the country, of my adoption. A decisive course on these great questions which [MS torn] les the nation (I mean internal improvements & the encouragement of domestic industry;) will controul my opinion. It must. The measures of the present Admn. are the measures of the West. I shall be exceedingly happy to see you in the next Genl. Assembly.

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[2] See *ante,* 204n.

I have the honor to be Sir very respectfully your most obt. servant

J. Brown Ray

[Addressed:] Doctor D. G. Michell, Corydon, Harrison County, Indiana

[Postmarked:] Indianapolis Ind April [MS torn] 1827

Ray to Lewis Cass[1]

Indianapolis April 15th 1827

His Excellency, Lewis Cass

Sir, In reply to your letter of the 2nd of April inst. requesting my Opinion with that of our delegation in Congress, respecting the most judicious and economical mode of making the purchases of Indian goods, contemplated by the late treaty as well as the proper persons to be employed;[2] allow me to state, that I know of no better mode than for you to employ such persons as you have confidence in, to make the purchases, and deliver the goods to the Indians, receipted for by the Indian Agent, and subject to his inspection. I can see no other or better way to execute a treaty already made, than by previous contract. If we have confidence in the Agent of the government, and in his judgment, no wrong can occur, if that confidence is well reposed. It is his duty to see that the Indians are not cheated. Permit me to name Mr. James Blair, a merchant of this place of respectability, in whose judgment and integrity you may place every relyance, as a person proper to be employed to furnish such a quantity of good to the Indians, at such time & place as you may designate, as may be deemed right. Mr. Blair is a merchant of acknowledged standing and acquainted with the Indian trade and taste. I therefore recommend him to be employed.

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[1] ALS. NA: Indian Office, Letters Received, Michigan.

[2] The reply of Senator Hendricks to the letter of Cass is printed in the *John Tipton Papers,* 1:701-2. For other letters of Ray about the distribution of the treaty goods, see *ante,* 209-10, and *post,* 215.

Very respectfully, Sir, Yr. Obt. Servt.

J. BROWN RAY

HIS EXCY. L. CASS

Ray: Appointments[1]

[May 1, 1827]

Thos. H. Blake Esqr. of Terrehate Oliver H. Smith Esqr. of Connersville	Aids de Camp to the Govr of Inda.

Col. James Paxton Quarter Master Genl. of Inda.

The Secy. will please fill up commissions as above.

J. B. R.

[Endorsed:] 1st May 1827

Ray to John Tipton[1]

INDIANAPOLIS May 10, 1827

DEAR GENL. Your letter enclosing the enclosed drafts, was duly recd. and is herewith returned to you, with my signature thereunto. I fear with you that something is wrong to the "north," or why the messenger? Why the change? Well, all things seem uncertain in this world. I shall, however, soon hear from you again.

Respecy Yr. Obt. Servt. & fr[ien]d.

J. BROWN RAY

[Addressed:] Genl. John Tipton Indian Agent Fort Wayne Allen County Indiana

[Endorsed:] Gov Ray Answd 4 June 1827[2]

[1] ADS. ISL: Archives Division, Militia file.

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[1] ALS. ISL: Tipton Papers.

[2] Not found.

Ray to John Tipton[1]

INDIANAPOLIS May 26, 1827.

DR. SIR Allow me to introduce to most favourable notice the Hon: John M. Coleman of Terrehaute. Mr. Coleman wishes to be concerned in supplying the Indians with some articles under the treaty, such as Waggons, Oxen, Hogs &c. I know of no applicants more deserving than himself & Col. Gregory, and they wish separate jobs.[2] The success of the Judge with you, will be gratifying, indeed, to your Obt. Servant.

J. B. RAY.

[Addressed:] Genl. Jno. Tipton, Fort Wayne Inda.

William R. Morris to Ray[1]

BROOKVILLE May 26th 1827

DR SIR I some time since sent you a petition in favour of Isaac McCarty praying for the remission of a certain judgment in favour of the state against him.[2] Since which I wrote a few lines addressed to you on the same subject; to neither of which communications have I received an answer. The time agreed upon as a stay of Execution for the purpose of procuring the remission has expired, and McCarty and Esqr. Berry are anxious to know what disposition you intend to make of the subject. If you intend making the remission (the doing of which I am satisfied you need not hesitate) I hope on the receipt of this you will send it. If on the contrary

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[1] ALS. ISL: Tipton Papers.

[2] Tipton gave Colman a share in the furnishing of the treaty goods but was criticized by Thomas H. Blake for doing so since Colman was not a merchant. *John Tipton Papers*, 1:730. James Gregory and Martin M. Ray, the Governor's brother, had furnished the beef, pork, and flour that was consumed during the treaty negotiations. Gregory received a second contract to furnish $1,500 of treaty goods. *Ibid.*, 1:545n, 719.

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

[2] The fine amounted to $14 and was for an assault and battery. *Executive Proceedings, 1816-1836,* p. 334.

you should decide against it; have the goodness to give me answer immediately of your intention. There is nothing new here of moment. McKinney, Reed, and Lee are candidates for the Legislature.[3] It is whispered here that Jennings will be a candidate for Governor. Should this turn out to be the fact, you have nothing to fear from this portion of the state; the people will not support him here. The change in favour of the Administration is great in this section of the state—In our county two thirds are for Adams. My Love to Aunt and Mary Ann. All well Your obt Nephew

Wm R. Morris

His Exl. J Brown Ray

[Endorsed:] Make out a remission of a "fine against Isaac McCarty of Franklin county assessed by justice Case a justice of Franklin county, and remaining unsatisfied on his docket, now in the possession of Justice Berry of the same county."

John B. Kelshaw, *et al.*, to Ray[1]

[May ? 1827]

To His Excellency James B Ray Governor of the state of Indiana—

Your petitioners citizens of the county of Green and State of Indiana respectfully represents—that on the 21st of May 1827 that by virtue of a certain indictment pending in the circuit court of the said county of Green against one Alexander Craig for obstructing the navigation of the west fork of White River in said county—that a fine of ten dollars in consequence thereof was assessed against said Craig—that the obstruction aforesaid was occasioned by reason of a certain Mill Dam erected by said Craig on the stream aforesaid, seven or eight years since, that said Mill was of public utility and of general advantage to the public, that said Mill Dam

[3] John Reid and John T. McKinney were re-elected to the House in 1827.

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

was not calcalated to prevent or obstruct, the navigation of said River, and that during the period since the erection of the said Dam, that no damage had accrued to any person by reason of the erection of said dam, and that the Navigation of said River by means thereof was but little obstructed, and that by an act of the General Assembly of the State of Indiana approved January 22d 1827 that said Craig was authorized to erect a Mill Dam on said river in the county aforesaid and on the premises aforesaid—(which said act is here refered to—page 37—in acts of 1827)

In consideration whereof we respectfully recommend the said Craig to your tender consideration, and pray that the fine aforesaid may be remitted—respectfully yours the undersigned &c—

John B Kelshaw [Juror]
[and 63 others, jurors and citizens]

[Endorsed:] Not remitted

William Lowe, *et al.*, to Ray[1]

[June 5, 1827]

To His Excellency the Governor of the state of Indiana.

Your petitioners respectfully represent, that John Adamson, formerly of Orange county, was convicted on a charge of Larceny for stealing a horse, at a special session of the Lawrence circuit court held in February 1826, and was sentenced to three years imprisonment in the state prison; where he now is in pursuance thereof: That the said Adamson at the time of his conviction was very young, being about eighteen years of age, and that the offence of which he was convicted was the first and only charge that has been made against him, that has come to the knowledge of your petitioners. That he has a wife, and two small children, who are destitute of any means of support:—and they believe that if he should now receive the Executive clemency he might be induced to return to the support of his family and become an industrious citizen. Wherefore your petitioners pray that your Excellency will take his case into consideration—considering this as his first offence, into which, if guilty, he has been led by the indiscretion of youth, and that he has already suffered a punishment perhaps sufficient to expiate his crime, and grant him a pardon and discharge from the farther penalties thereof. Dated June 5th 1827.

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

William Lowe
[and 242 others][2]

[Endorsed:] Granted Ray Sept. 17

Samuel Merrill to Editors of Indianapolis Gazette[1]

[June 19, 1827]

Messrs. Smith & Bolton— Please to insert the following in your paper and those persons who have read the three last numbers of the Gazette are requested to consider this as an answer to charges thought worthy of notice. Yours &c.

S. Merrill[2]

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[2] John Kingsbury, prosecuting attorney, John F. Ross, president judge, and John D. Laughlin, associate judge, also wrote to Governor Ray, recommending clemency in the case. Their letters are in the Archives Division.

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[1] Indianapolis *Gazette,* June 19, 1827.

[2] Samuel Merrill was about two years older than Ray. He was born in Peacham, Vermont, on October 29, 1792. He graduated from an academy in Peacham and then from Dartmouth College. After teaching in York, Pennsylvania, for three years he moved to Indiana in 1816. He represented Switzerland County in the legislature for two years; in 1825 he became state treasurer. He was later to serve as president of the State Bank of Indiana and as president of the Madison and Indianapolis Railroad. *Indiana Magazine of History,* 12(1916): 53-59.

The following letter brought out into the open for the first time a political warfare that had been smoldering between Samuel Merrill, state treasurer, and the Governor. Merrill had supported Blackford and opposed Ray in the 1825 campaign and since then had used every opportunity to attack or embarrass him. He was no doubt an inciter of the effort to unseat the Governor for serving as treaty commissioner and for

It seems at last to have become necessary, that I should pay some attention to several publications, in the Indianapolis Gazette. On my own account, I would prefer submitting in silence, to anonymous accusations, I do not intend to complain

the other investigations into the Governor's conduct. The whole affair may be regarded as a local political feud which found parallel in the national political picture where party lines were shifting and reforming.

The "three last numbers of the Gazette" were those of May 22 and June 5 and 12, which contained anonymous articles signed by "Knox," and "A Friend," "Fair Play, Jr.," and "An Observer." In them Ray's record in support of internal improvements was recalled and showed him to have acted and voted throughout his legislative career in a most creditable manner in the eyes of those favoring the program. Those who had opposed the measures and whose record was attacked were, by implication, members of the pro-Merrill faction. There was also brought out the fact that the members of the Merrill faction were regarded as the "educated' ones who hailed mainly from the East while Ray and his adherents were western or southern, self-educated, hardworking. Merrill was singled out for attack most pointedly by "A Farmer," who wrote: "The Treasurer of State, a man from the land of steady habits, is supposed to be the head of one party—and although he has been unsuccessful in getting a Senator and Governor elected to suit his wishes, he has the character of being the greatest party organizer in the state of Indiana—this is said to proceed from the enormous quantities of 'cod-fish' he has masticated previous to emigrating to the state; having been blessed with a residence near the city of Hartford. . . ." (Indianapolis *Gazette,* June 5, 1827). In the communications the pro-Ray, internal improvements faction constantly brought up the point that the Merrill faction had called them "clodhoppers" who entertained themselves at log rollings, house raisings, sheep shearings.

The oncoming August election, particularly the contest over representative in Marion County, where George Kinnard was opposed by the incumbent Morris Morris, was also discussed. For comment on Ray's interference in elections see *post,* 223n, 224, 243-44, 258, and notes. "Observer" ended by writing: "But who is it that feels the greatest interest in the coming election? Ask Samuel Merrill, Treasurer of Indiana, and Editor of the Indiana Journal, and if willing, he can afford much light upon the subject. His very dreams are frightful—imagination in her most horrific forms disturb his slumbers. He has fears and others have fears, and it is the people that disturb their quiet."

Following the publication of Merrill's letter, Ray's defenders contributed articles which appeared in the *Gazette,* June 26, July 3, 24, and 31, August 21 and 29, September 11 and 18, and October 9, 16, and 23.

A pamphlet *To the Public* (24 pp.) was issued by Merrill on August 21 following the election, and circulated widely through the state by him. A copy is preserved in the State Library. The pamphlet included a preliminary statement, a reprint of Merrill's letter to the *Gazette* at contributing my share to the amusement of others, when wit is attempted at my expence, and I shall never I trust without absolute necessity ask the attention of the public to my individual concerns. A person, who claims no merit but that of having done his duty, and whose first object is to live honestly and peaceably in the world, when publicly assailed, may generally trust his case without much defence, for it is difficult to give, to matters, unimportant in themselves, sufficient consequence to attract examination. This would have been my course of proceeding, had the attack been directed at me alone. But an attempt has been made to implicate me with others in extensive party organization, and for purposes best known to the authors, every thing odious, in character and design, has been attributed to this supposed party.—For some weeks past, the Gazette has contained remarks in substance as follows, "The Executive of our state is the untiring friend of Internal Improvement" "a party, in the state, is in systimatic opposition to every measure, which looks towards improving the land we live in."—"In the meridian of Indiana the conduct of such men is unpardonable." "The Governor has done more for the state, than all his predecessors together." "The Treasurer of State is supposed to be the head of one party." "He was unsuccessful in getting a Governor and Senator elected to suit his wishes." "He has the character of being the greatest party organizer in the state." "The Executive officers are divided and most interested in the elections." (In this county) "The head intriguers reside at Indianapolis."—"Nothing but the downfall of the man, whom the people delight to honor can afford peace to certain disappointed spirits." "Their every effort has been directed towards putting him down." "What

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printed here, Ray's reply (see *post,* 229-32), and additional charges against Ray and elaborations on the old ones. Excerpts from the pamphlet are printed *post,* 239-48.

Ray's supporters did not come out with their refutation until December 4, when an extra number of the *Gazette,* beginning with the exclamation "Slander Exposed!" was issued, devoted entirely to answering Merrill's charges. Excerpts from this issue are given among the following documents.

good will result to the state from having a representative opposed to the Governor?"—"Where is the man whose soul glows with more ardent devotion for the state than the present Executive?" "The faction which the Treasurer of state is endeavoring to raise in the next Legislature."—"Ask Samuel Merrill and he if willing can afford much light, his dreams are frightful. He and others have fears and it is the people who disturb their quiet."

Insinuations are also made in relation to my caucusing, my need of friends in the next Legislature, my public contracts and political principles.

These publications, if not from the pen of the Governor, as some of them are generally supposed, yet being made at the place of his residence, and continued from week to week under his inspection, must have been approved by him, for such statements would not have been made by friends against his consent.[3] It is I think, evident from them 1st that he *has concerned* himself in the election in this county, 2nd that he does think it necessary, in an early part of his term of service, to talk of, and contrive to strengthen his party. 3rd that for this purpose, he is attempting to shew that his cause and that of Internal Improvements are connected. 4th that he is already fearful, his services will soon be forgotten or they would not be so often trumpeted at his very door; and 5th he must feel, that his conduct in this place is not deserving approbation or it would not be admitted that "a few of the citizens who voted for him at the last election have since joined the clamor of his old enemies," nor would a caution be necessary against believing "numerous reports" or in relation to the impressions of "strangers who have visited our town."

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[3] An editorial in the Indianapolis *Gazette* which carried this letter stated: "We have sufficient data to believe, and we are willing to ratify under the sanctity of an oath," that "the Governor of Indiana *never saw nor was he aware of the publication of a large majority of the quotations he has cited.* The first quotation is our own language, the next three the Governor may have seen, (but they were not shown to him by us) as they appeared in a communication signed 'Knox,' in which the name or conduct of the Treasurer of State was not mentioned. The other quotations were never seen by the Governor, other than through the medium of our paper." See also Merrill pamphlet, pp. 6-7. Merrill concluded that "it would seem that the Governor was the author of one of the pieces at least, for the Editors merely say, that 'he never saw a large majority of the quotations.' "

But while the above conclusions respecting the conduct and opinions of the Governor, may be safely drawn from the publications referred to, I must take the liberty to add, that every statement or insinuation intended to be prejudicial to me is absolutely and unqualifiedly false. I have never been concerned in party organization or electioneered either for Governor or Senator, and never have attempted to influence either voter or candidate in this county for any election whatever. In fact I do not know the opinions of my nearest neighbors with whom I converse in friendly terms almost every day. Accustomed however to speak freely on all subjects with friends & acquaintances I have no doubt sometimes made remarks that I should not wish to be repeated, but I cannot be mistaken respecting my intention neither to electioneer, nor to use such language either to candidates or voters as they could take offence at.

From what I have seen of the Governor I have long believed him destitute of principle and all sense of propriety becoming a person in his situation and as I have sometimes when spoken to, on the subject, made remarks to that effect, I will give what are believed to be facts in justification.

1st He is accused of having drawn money, in repeated instances, improperly from the Treasury and when the fact was stated to him, he at first refused to refund any thing, then paid back part, but retained and still retains other money to which he knows, he has no right to.[4]

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[4] This charge and those that follow were answered by "An Observer" in the *Gazette* of June 26. This anonymous writer reminded Merrill that the Governor was acquitted of this first charge by the legislature (*ante,* 204n, 212) and added, "that the Treasurer should again renew this charge, is but another proof of the lengths to which disappointed ambition and his personal enmity will carry him." Merrill repeated the accusation in his pamphlet, calling upon the auditor and Indianapolis postmaster for statements. *Post,* 241-42. The extra number of the *Gazette,* December 4, 1827, went into the matter in too much detail to be repeated here, and referred to the record of the *House Journal* of

2nd He is accused of attempting to make an advantageous bargain on his private account, by promising favors at the expense of the state.

3rd He is accused of having stated for years his age to be such that he could not constitutionally hold the office of Governor; and yet he did not hesitate to take the oath of office.

the previous session to show that Ray had been acquitted. A detailed statement of payments made to Ray for salary, house rent, postage, and travel is given. The writers accused both Merrill and Postmaster Henderson of suppressing documents which told the whole story and called them "hunting accusers:" "They hunt for errors to censure."

The second charge refers to the bargain reportedly made between Ray and Noah Leverton, that if the latter would build a private home for him at a certain low figure, the Governor would make it up to him by seeing that Leverton got the contract for building the official Governor's house whenever the money for this should be appropriated. See Merrill pamphlet, pp. 14-15. Henry Launice who worked with Leverton wrote in the *Gazette* (extra), December 4, 1827, that these charges were untrue as was the charge that Ray defrauded them and other workmen and went into some detail to show the falsity of the charges.

"An Observer" reminded Merrill that the third charge, concerning the Governor's misrepresentation of his age, had been completely refuted by several citizens of Franklin County who had known the Governor from infancy, and also by Daniel Gano of Cincinnati. See also excerpts from Merrill's pamphlet, *post,* 245. The *Gazette* of December 4 went into the matter of Ray's age with considerable detail and included statements by William Ray and Robert Ray, father and brother of the Governor, John Anderson of Bartholomew County, and James Armstrong of Brookville, to the effect that Ray was upwards of thirty years of age when he was inaugurated.

Concerning the Governor's interference in elections, the fourth charge, the anonymous writer reminded Merrill of his own activities in this regard, and stated that the Governor had good reasons for being unfavorable to the re-election of Morris Morris to the House of Representatives. For more detailed accusations, see excerpts from Merrill's pamphlet, *post,* 243-44, and notes.

The fifth charge related to the disagreement that arose between Ray and some of the men engaged in building his private residence, the details of which "An Observer" promised the Governor would answer. These matters are gone into in the *Gazette* of December 4. See also *post,* 244n-45n.

The charge made concerning Ray's conduct at the treaty negotiations, the writer felt, did not need to be refuted until it was further elucidated. Merrill elaborated on Ray's conduct at the treaty and the Governor and he vied with each other in obtaining support for their cases. See Merrill pamphlet, *post,* 245-46, 247-48, and also 255, 261-62.

4th He is accused of interfering frequently with the elections of members of the Legislature, of soliciting candidates to offer and others to decline and of open electioneering for, and against different persons.

5th He is accused of the most barefaced fraud, falshood, and oppression, making false representations respecting property he was selling denying his debts, disputing just claims, quarreling with magistrates and others and endeavoring to ruin persons opposed to him.

6th He is accused of making use of his office of Commissioner, in the late treaty, to sell property of his own, and charge the United States with five or six times its value. Many charges, not less disgraceful in their nature, have also been made against him, but it is very possible, that a person, guilty of so much misconduct, may still be misrepresented, for many persons would beleive almost any thing of him. The last of the above charges is given on common report, uncontradicted and never within my knowledge denied, the proof respecting some of the others may not be easily procured but enough can be established in a Court of Justice, should he think proper to bring me there, to shew that opportunity alone has been wanting if he be not guilty of them all.

It may be asked, why it is, that a person guilty of such acts, should still have warm friends and zealous partizans? To this it may be answered that many persons would prefer a public officer, with whom they could bargain for a favor as with a merchant for his merchandise. Such men will not acknowledge themselves convinced either by fact or argument. The majority of the people I presume know nothing of many of these posts, for the truth is that "his enemies" as he calls them instead of "attempting to blacken his character" would generally, for the credit of the State, have concealed his conduct if he had not forced them to publish it in self defense. Let him point to journals edited by persons who know and despise him and show one mark of a persecuting spirit. If such can be found, it has not been seen by me. But growing bolder, as he advances in crime he is throwing off all restraint, monopolizing all merit.

and declares that no one is his friend, who does not approve his whole conduct. Every one is to be sacrifised, who denies his infallibility. That he has done the State service, is freely admitted. He was certainly instrumental in obtaining the donation for the Michigan Road, but is far from being entitled to the whole credit of that act. The participation of others may at some day be shewn as it existed.[5] Whether his salary and incidental charges as Commissioner as has been stated amounted to $1000, for two months service, during which he was also receiving pay as Governor, I have not the means at present to shew,[6] but I would think that even a less sum ought to be a sufficient reward without his being allowed to trample on the rights of his fellow citizens with impunity. It is no consolation to persons abused, defrauded or oppressed that the author once benefited the state, and still talks of "dying in the land that withers" and of "thinking acting and living only for his country." It might keep them silent for a while but the citizens of Indiana are not yet prepared to kiss the hand that is raised to destroy them.

It has been my ambition to pass along quietly in the world never asking nor expecting any favors but such as are due to the faithful performance of a trust, and during seven years of public service, first in the Legislature and then in the office of Treasurer, a large share of liberality has been exercised towards me. But ever since it has been known, that I was acquainted with facts prejudicial to the character of the Governor, and when bullying had been tried and was found ineffectual, threats of ruin and attempts at injury have been making. Three or more articles containing injurious insinuations were inserted in the Gazette last winter, and an attack by certain members of the Legislature followed. These were submitted to, in preference to contention. Silence has only made opponents more vindictive, the attack has again been renewed in such a manner that regard for character and friends will not permit a longer forbearance. To resist or be ruined has become necessary and it is fortunate for truth, that the time at which this publication is made admits of every opportunity of refuting its statements if they are false. To avoid no necessary responsibility to bring the contest to issue and trust the event to substantial facts that can be shewn has been the motive for the course here taken. No faith, nor credit nor influence is expected from this publication alone. Whatever the Governor shall deny is not asked to be believed until it shall be fully proved. A fresh torrent of abuse will no doubt be poured upon me but if truth has been stated all the verbiage of Billingsgate cannot change it into falsehood. I should prefer his seeking redress in a court of Law, for there evidence can be procured not liable to suspicion nor to be held back by the unwillingness which respectable persons usually have to give voluntary statements for the public.

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[5] See Ray to Tipton, *post,* 251-52, 253, 265, and Tipton's reply, *post,* 266-67. See also Cass to Ray, *post,* 256-58.

[6] Treaty commissioners were allowed $8.00 for each day spent in preparing for the treaty and in the treaty negotiations, plus $8.00 for each twenty miles of travel. Governor Ray's account for personal service in connection with the treaty was fifty-five days or $440; the amount he received for travel is not known. See Cass to Ray, September 18, 1827, below and *John Tipton Papers,* 1:688-89, 700.

It will naturally be asked what is the reason of the violent attack on me? and what can suddenly have made me of sufficient consequence to be called the head of a party? I can conceive no other reason than that some scape goat was necessary to bear the sins of his Excellency. There must be a cause for the acknowledged decease of his popularity, and I have been selected to bear the odium, with what justice time will determin.

SAMUEL MERRILL

Luther Tillotson to Ray[1]

[June 29, 1827]

TO THE GOVERNOR

SIR . I take the liberty by way of explanation & apology for sending the enclosed certificate to trouble your excellency with the following statement—

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[1] ALS. ISL: Archives Division, Election Returns.

Although perhaps strict legal duty might seem to require that I should barely have reported to your excellency that the election had been held, but owing to an unparalleled flood of rain the night previous to the day of comparing the votes & the streams being impassable, the returns from one of the most remote districts could not be got in & request another order of election—

But as the suffrages of the county have been fairly & legally expressed with the exception of the punctilious part of the comparing, & as the majorities were not changed by the votes of the first district, except of the clerk & recorder, and as at the time of comparing it was well known to all that Cunningham had a majority in the whole county, & it was impracticable for any persons to fetch the returns from the first district on that day as almost every little stream that was dry the day before would then swim a horse & the minority expect nothing from another election as the electioneering exertions were principally on their part & yet the votes are as 50 to 40—& as our county seat has been located & we shall need a board of justices as soon as we probably can have if the election should be considered valid & considering the delay which another election would occasion & that the peace of the county would not probably be disturbed provided the rights of the fair majority is not infringed upon, I thought proper to compare the votes present & receive the others & certify the whole facts in the manner I have done—leaving it with the wisdom of his excellency whether to make the commissions upon it, or to order another election—

Should another election be ordered & candidates should be elected who are disqualified by the constitution I would like to be informed if it is the duty of any officer here to notify your excellency of it—as if Mr. Billings has a certificate of qualification from any of the proper judges he is mysteriously secret with it, or at least has not published it—I took no part for or against him except my vote—I have heard that he waited to see if he could get elected & thought a commission would be his best recommendation for a certificate—perhaps verry correctly—Edward Mace elected one of the justices has not resided one year even in this state by several months—if the constitution has no protection between elections & a course of law, most incalcuable confusions may ensue Respectfully

His Excellency J Brown Ray L. Tillotson

[Endorsed by Governor:] Presented to me for decision October 7th 1827 by the Secy of State & not before. J. B. Ray[2]

The Secretary will issue commissions for James Cunningham as Clerk and Recorder of Warren County; and for Thos. Cunningham as a justice of the peace for the same. It is my opinion that the act of God should injure no one. Octr. 7, 1827 —Respy &c J. B. Ray

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[2] Tillotson had been appointed sheriff of the newly organized County of Warren on May 9 with orders to hold an election on June 23. He sent in the returns of the election on June 29 and reported that by counting the votes from the 2d, 3d, 4th, and 5th election districts, Marshal Billings was elected clerk and recorder; Nathaniel Butterfield, associate judge; Lemuel Boyd, Thomas Kearns, and Edward Mace, justices of the peace. However, when the votes of the first district, which were received a day late, were counted, James Cunningham was elected clerk of the county by a majority of ten votes and recorder by five votes. The election return and letter to the Governor bear various endorsements showing that Secretary of State Wick ordered commissions made out for the three justices named and for Nathan Butterfield as associate judge, and then filed the return in his office on July 7. The Governor was not at home at the time, the secretary reported, but on his return he notified him of the election return and expected him to take care of the part not acted upon. The Secretary of State then left for Jeffersonville on public business and in his absence, his brother, acting as his deputy, again brought the matter to the attention of the Governor but he issued no order. Tillotson wrote to the Governor again on October 1, stating that the sheriff and coroner could not qualify for lack of a clerk and that the business of the county was unattended to for lack of a board of justices. Whereupon, on October 7, the Governor ordered commissions made out for Thomas Cuningham as justice of the peace and James Cunningham as clerk and recorder. Elections Returns, 1827. See also *post,* 268-69.

Ray to Samuel Merrill[1]

[June 30, 1827]

Sir,—On my return home from the eastern part of this my adopted state, I found in the columns of the Indianapolis Gazette, an unwarrantable attack made upon me over your signature.[2] Your intention to force me into a newspaper controversy, with the view of inflicting a wound upon my reputation, requires no other proof than the apology which you have made for pointing your *six poisoned daggers* at my breast; but sir, I defy their point. The occasion which you have selected to let your shower of calumny fall upon my name in my absence, to make impressions which could not be immediately counteracted; the deceptions, evasive and insinuating features of your premeditated and voluntary epistle, and the sly and cautious manner in which it is written, without exposing its merits, add additional testimony to my own assertion, that its author is the organ of a faction, *a slanderer and a coward.* Treat me as you may, traduce me as much as you please, and persecute me to the most shameful extremities, you can never drive me into acts of imprudence, excite my passions or so far gratify your advisers as to engage me in a newspaper quarrel with a man who expects nothing from the people; and especially one who has wronged me as much as you have; thinking that your own salvation depends upon my political prostration—with a creature who possesses none of the qualities of a gentleman.

The editors[3] of the very paper which you have chosen, to hurl your unprovoked arrows and firebrands at an unoffending public servant, leave you in no enviable situation as to truth. They tell you to your hypocritic face, that you have aimed to deceive, and written that which is not. You are charged with trying to *make yourself* the leader of a faction, to oppose & put down those authorities, which the voice of the citizens of Indiana has established, by all the means in your power; thus, giving fresh evidence of your hatred to republican principles. You are charged with making mischief your sport, with frequent misrepresentations of the conduct of your fellow man, and with a lack of honor—with endeavoring to rally around your standard for wicked purposes, the disappointed and disaffected spirits of the day. You are charged with extending your official patronage to business establishments, and then becoming interested in them yourself, and so directing their machinery as to suit your political and private interest. You are charged with other deeds disgraceful to your character which some other day may develope; *and I charge you with writing a studied and deliberate, false and malicious libel, in the 250th number of the Indianapolis Gazette concerning myself.*—Having this view of your character, and entertaining the most contemptible opinion of you as a man, allow me to repeat to you that I will not be dragged into a newspaper controversy, with a man of whom I have such bad impressions, as I have long since been constrained to form of you. I have thought fit to notice you now, *not on your own account,* but because you are believed to be the tool of others of more standing than yourself, who are aiming at my destruction, by means of all that is unholy and irreligious, because I have been elevated to the place I now occupy by my fellow citizens. You was one of those men, sir, who secretly opposed my election for Governor, whilst you pretended friendship to my face, and afterwards felt unwilling to submit to the decision of the majority. Now, if it be true, that you have consented to become the champion of a party, to try to put the will of a minority in the place of the will of the majority, and so trample upon the rights of the people, and have become concerned in the press here, which receives by your patronage part of its sustenance from the treasury of which you have the controul, let me advise you to desist, for you must fail in your object.[4] Every effort which you make will rebound upon yourself. The people will never consent to be cheated out of their opinions. You must not so far deceive yourself as to suppose that the people have as much confidence in you, as to receive your *assertion* for proof: but, that they will hold you accountable for those falsehoods which you have recently asserted. Remember, that in attempting to ruin the present incumbent of the Executive Department and to make his character appear odious by the constant circulation of falsehoods respecting him, you are disgracing the state; and offering insults and contempts to fifteen thousand of her freemen, who solemnly voted to establish the powers that are, and which you with your coadjutors are straining every nerve to its utmost tensure to destroy. It is the office which you are attempting to bring into disrepute amongst the people, as well as the man who fills it. I shall not attempt to notice your base insinuations in detail, or assume the attitude of a controvertist with *you;* nor shall I induct you into a court of justice to expose your deformity and sins; but, sir, I will arraign you as a criminal charged with malicious falsehoods before a tribunal,

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[1] Indianapolis *Gazette,* July 3, 1827.

[2] See above, 218-26.

[3] George Smith and Nathaniel Bolton.

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[4] Here Ray implies that Merrill benefited from contracts made for public printing. John Douglass, proprietor of the Indianapolis *Indiana Journal,* denied this, stating that Merrill had "never had, either directly or indirectly, any interest or concern in any of the contracts, for public

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printing for the State of Indiana, in which I have been engaged for five years past." Douglass went on to say that Merrill did not have nor ever had had any interest, concern, or ownership in the *Indiana Journal* establishment. "Since I dissolved partnership with Mr. Maguire, which was in November last, Mr. Merrill has been employed by me to assist in editing the paper, for which I am to pay according to service rendered." See Merrill pamphlet, p. 20.

Merrill pointed out in his pamphlet that the printing contracts were let by a committee composed of the secretary of state, treasurer, and auditor, contracts going to the lowest bidder. "As to my assisting in editing a paper or engaging in any other business which does not interfere with official duties, no complaints can with justice be made. Every other officer here is so engaged, and it is a duty each one owes not less to himself than to the public, to be prepared at all times to resign his office if he cannot exercise it to the satisfaction of those who have appointed him." Merrill pamphlet, p. 21.

Carpenter & Douglass were appointed state printers in 1822. Douglass was with Merrill's party when the state capital was transferred to Indianapolis in November, 1824. (Mildred C. Stoler, "The Removal of the State Capitol to Indianapolis," in *Indiana Magazine of History,* 27[1931]:241.) He continued to hold the contract for public printing first as the firm of Douglass and Maguire, then by himself, until succeeded by Smith and Bolton of the *Gazette* in 1828.

the impartial bar of public opinion, which has the power and the virtue, to pass that condemnatory sentence, which always awaits the thief of character.

You may hereafter write on, and charge me with every crime, from high treason down to a pettit misdemeanor, you may fret and fume until your haughty and revengeful heart bursts with its own malignity, and you will still be noticed as the felon of that which you can never restore, and the pensioned instrument of a party. Awful must be your predicament in the eyes of an offended public, when the people hear the extent of the evidence which you are challenged to adduce, in support of those charges which you have insinuated against me. Go on, serve your employers faithfully, investigate my character from my cradle to the present time and publish the result of your labours, then prepare yourself for the peoples judgment.

I shall now dismiss you to fight your battles with the air.

J. Brown Ray

June 30th, 1827.

Samuel Merrill to the Public[1]

[July 3, 1827]

To the Public.

In the Gazette of to day is a communication addressed to me by J. Brown Ray, to which I will give merely a passing notice for the present. I had hoped that our difficulties might have been settled before a tribunal in which the public would have regarded nothing but the decision, and in which there could have been no evasion as to evidence. It seems, however, that "he will not induct me into a court of justice," but has chosen the "impartial bar of public opinion," and I shall not refuse to accept the challenge. It will be necessary for me to take some time to procure proof of the statements that have been made, for this was not attempted while I supposed recourse might be had to a court of law. In a few weeks the public will be furnished with the facts, and my impressions are not changed as to their nature.[2]

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[1] Indianapolis *Indiana Journal,* July 3, 1827.

INDIANAPOLIS, July 3, 1827. S. MERRILL

Francis Whitcher to Ray[1]

MORGAN COUNTY INDIANA, July 3rd 1827

TO HIS EXCELLENCY, THE GOVERNOR OF INDIANA, the petition of Francis Whitcher would respectfully represent. That your petioner has the honor of commanding a militia Company in the 45 Regt. and Asa Bales, Francis Newby Joshua Carter John Hadley Sr. and Barclay Burris, having been returned as delinquents and fined at the last Court of assessment, he would respectfully submit the facts appertaining to their respective cases to your consideration. The four first mentioned were supervisors of Roads, a fact of which your petioner was ignorant, and were therefore lawfully exempted from ordinary militia duty, and not having attended the Court of assessment, nor of appeals, the fines which were $2 each, were of course not remitted. And Barclay Burris, the last mentioned, after attending two musters, became conscienciously scrupulous, and was enrolled on the civil list, and returned accordingly, and it escaped the attention of your petitioner to give sd. Burris credit for his services rendered which should have been one dollar

FRANCIS WHITCHER Capt. 45th Regt. Ia. M.

[Endorsed:] Remitted

James Rariden to Ray[1]

[July 15, 1827]

HIS EXCELLENCY JAMES B RAY

Having sundery suits against the sheriff of Wayne County

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[2] Merrill's refutation appeared in a pamphlet issued August 21, 1827, described above. 219n-20n. Excerpts are given below.

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[1] ADS. ISL: Archives Division, Pardons and Remission of Fines.

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[1] ALS. ISL: Archives Division, Recommendations and Appointments file.

& the coroner thereof having resigned it is important that we have another coroner forth with appointed. no person seems solicitous to have the office but Thomas Commons has consented to except of it untill the election being convinced that the appointment of Mr Commons would meet the universal approbation of the citizens I have to request your Excellency to appoint him to that office

Yrs Sincerely—
July 15th 1827 James Rariden
His Excellency

NB I cannot have process served on the sheriff untill a coroner is appointed

[Endorsed:] Thomas Commons apd. Coroner of Wayne July 21st 1827 JBR

Ray: Call for Railroad Meeting[1]

[July 23, 1827]

RAIL ROAD.

The undersigned requests a meeting of the citizens of Marion county, at the Court house, in Indianapolis, on Saturday next, at 1 o'clock, to take into consideration the propriety of soliciting the Baltimore Rail Road company, to continue their contemplated road from Baltimore to the West, through the states of Ohio, Indiana, and Illinois; and to express their approbation of the project.[2]

Respectfully, &c.

J. B. Ray.

July 23, 1827.

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[1] Indianapolis *Gazette,* July 24, 1827.

[2] In response to this call, the citizens of Indianapolis and its vicinity met at the courthouse on July 28. Rev. Henry Brinton was called to the chair, and Noah Noble was appointed secretary. After the subject of the meeting was announced from the chair, the Governor offered the preamble and resolutions printed below. After these were adopted, Samuel Merrill offered for adoption the following: "Resolved, That while we approve the object of the Baltimore Rail Road Company we

Ray: Resolutions Concerning the Baltimore Rail Road Company and Internal Improvements Generally[1]

[July 28, 1827]

Whereas, we are informed, by the public journals of the day, that the enterprising citizens of Baltimore have procured from the Legislature of Maryland the passage of an act incorporating a company to construct a Rail Way from the City of Baltimore to the Ohio river: And whereas the State of Virginia through which the said road is expected to pass, has by an act of her Legislature given her assent to the location and termination of the said Rail Way within her territorial limits; And whereas it seems that the people of the State of Ohio are solicitous for the continuation of the above named line of inland communication to the Mississippi:[2] And whereas we believe with our fellow citizens of the State of Ohio, that the extension of this Rail Way from the point where it terminates on the Ohio river, west, through the States of Ohio, Indiana and Illinois, (the most extensive body of fertile land together in North America, and settling with astonishing rapidity with an enterprizing population) would add extensively to the wealth population, and commercial importance of the City of Baltimore; augment the value of stock belonging to the company; and vastly accommodate the agricultural, manufacturing and

conceive that the construction of the National Road is a measure of the highest importance to the state of Indiana, and that its final completion by the General Government, at as early period as is consistent with economy is due to this state, and should on no account be dispensed with." The resolution was adopted. Indianapolis *Gazette,* July 31, 1827.

The Baltimore and Ohio Railroad Company was incorporated by the legislature of Maryland on February 28, 1827. Construction of the track was begun at Baltimore the following year. The western division of the railroad, called the Ohio and Mississippi, was built through Indiana and Illinois in the 1850's.

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[1] Indianapolis *Gazette,* July 31, 1827.

[2] The citizens of Ross County, Ohio, sent to Governor Ray and other state officials the resolutions adopted at a meeting held in Chillicothe. They urged the citizens of Indianapolis to promote the extension of the railroad through Ohio and Indiana. Indianapolis *Indiana Journal,* July 3, 1827.

commercial interests of the inhabitants of that immense region of country through which this stupendous avenue is intended to pass—securing to the western farmers a safe, cheap, and certain facility for the transportation of their accumulating surplus to profitable markets, and securing to the City of Baltimore the trade of the western country—affording to the United States an additional guarantee of perpetual Union, presenting to the world the boldest, most brilliant, most gigantic, and most extensively useful public work, conceived in modern times—demonstrating to older nations the effects of free governments; and creating for millions of civilized inhabitants real and permanent advantages. Therefore,

Resolved, That we do approve of the proposition of the people of Ohio, to continue this great thoroughfare, from the Ohio river, through the States of Ohio, Indiana, and Illinois to the Mississippi, believing that it is a policy founded in reason, and based in the wisest, safest, and most patriotic calculations and motives, alike useful and honorable to the nation, and bringing the fertile lands of the west, into the neighbourhood of the Atlantic Ocean.

Resolved, That whilst we freely acknowledge the countless advantages which the people of these states would enjoy, from the construction of this mighty avenue, a river and its tributaries 4 or 5 thousand miles long, from an Ocean, on which products of the American soil may be borne to the other hemispheres, we believe that the patriotic stockholders will be satisfactorily rewarded.

Resolved, That we hail with the most lively satisfaction, every effort which is made in any portion of the confederacy, or by the General Government, to aid the march of internal improvements; so essential to destroy those natural geographical divisions, which are calculated to prevent that free interchange of opinion between the people of the different states, and that uniformity of manners; without which, the American family may loose sight of the numerous ties that bind it together, under the influence of those distructive circumstances that surrounded separate and circumscribed communities.

Resolved, That the Secretary request each of the Journals of this place to publish the proceedings of this meeting.

John H. Scott to Ray[1]

VERNON (JENNINGS CO.), Aug. 13, 1827

DR. SIR, I believe that since Mr Berryman's removal to Vevay, there has been no *Notary Public* appointed in Madison —I will accept the office should you see fit to send me an appointment.[2]

I take this occasion also to apprize you (*confidentially* for the present) that I expect to be an applicant, next year for the appointment of Marshall to collect, & carry to Indianapolis, the returns of votes for presidential electors, for this district; which appointment you have the power of making; and, perhaps, may subsequently apply for the office of conveying the electoral votes to Washington City. Who confers this latter office I am not now certain, but presume it is the Electors—if so, your *influence* is all I can expect—This you may consider taking time by the forelock; but, I have some wish to see the different counties in this district (some of which I have not yet seen), & a still greater one to see the Federal City, & conclude to lose nothing for want of early application.[3]

Your acquaintance with me I presume renders recommendatory letters unnecessary.

Very Respectfully,

JOHN H. SCOTT

HIS EXCELLENCY, J. BROWN RAY

P. S. D. Hillis's wife expired on Thursday last. He goes to the woods some time next month, to run Range & Town. lines.

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[1] ALS. ISL: Archives Division, Recommendations and Appointments file.

[2] Thomas Berryman was appointed notary public on April 27, 1825; he moved to Switzerland County sometime before April 30, 1827, for he was appointed surveyor of that county on that date. *Executive Proceedings, 1816-1836,* pp. 478, 479.

[3] Scott did not receive the appointment to carry the votes to Indianapolis.

You may recollect I named to you, when in Madison, the subject of pros. Atty, should a new circt. be formed—please hint this matter, *in strict confidence,* to your friend Kinnard, & our mutual friend Fletcher.

[Endorsed:] John H. Scott Notary public—Appointed for the county of Jefferson 28th Aug 1827

John Wilson to Ray[1]

CRAWFORDSVILLE INDA August 18th, 1827

SIR I have been requested by some of the citizens of this place to forward to you a copy of the return of the Genl. Election held in Brown Township of this county—(Montgomery) which return was rejected by a majority of the returning judges of the several townships of this county together with myself as Clerk of the Circt Court on the grounds that the number of votes each candidate recd was not written at full length as required by the 12th sec of the act of 1824 regulating General Elections but put in figures as you will see by referance to the copy ford by the statement of the polls herewith sent you will perceive that had this return not of been rejected, Fredrick More wold of had a majority of four votes over Townsend Griffith for Sheriff and Danl. Early would have been elected a Co. Commr. in place of Dennis Ball. As it now is Griffith is returned elected for whom I have ford a certificate—Returns of a simalar nature to the one here aluded to have heretofore in one or two instances been recd in this county—No person having made any objection to them in this case there were several person objected to receiving them. this has caused some excitement here as it regards the sheriff.—In rejecting this return we may have committed an error but not an intintional one. I have been induced to ford these copies and this explanation for the satisfaction of others—not feeling much interest myself on the subject—

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[1] ALS. ISL: Archives Division, Election Returns.

I am with much respect yours very respectfully

JOHN WILSON

[Endorsed:] Let a writ of election issue for shff. and state the following reasons in the writ, towit, that there is a certificate for Griffith when it appears he was not elected; and it appears that More is duly elected, but has no certificate; therefore a commission can issue for neither—Aug 28th 1827[2]

Samuel Merrill: Excerpts from his *To the Public,* attacking Ray[1]

[August 21, 1827]

. . . .

Of the statements relative to his [Ray's] conduct in this place, there has not been much difficulty in procuring proof, though as to his interferences in the election, and the frauds he has been guilty of, but a small part of them will be mentioned. Some of the parties concerned are unwilling to have their names appear in print. With several others since my publication, he has made settlements, and paid what he had before insultingly refused. What has taken place elsewhere, is more difficult to be proved. Many of the witnesses I am but little acquainted with, and therefore cannot with propriety address them: others know only a part of his improper conduct, which convinces their own minds, but they are unwilling to make statements for the public unless they can be supported by other misconduct and further testimony. But when it is found that almost every kind of disgraceful action is in character with the man, much that is now kept back will no doubt contribute its share *to award him justice.*

[2] According to the record of commissions issued, Griffith was commissioned sheriff on August 25. Foster Fields was elected at the special election and commissioned on October 11, 1827. *Executive Proceedings, 1816-1836,* pp. 530, 531.

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[1] Excerpts from pp. 11-24 *passim.* A copy of this pamphlet is in the Indiana State Library.

Amongst other acts that have been brought to my knowledge by this discussion, the following is selected, as showing the regard he pays to his oath of office, and to the laws and interests of the State:

By the "act to provide for carrying into effect the laws in new Counties," page 257 of the Revised Code, it is made the "duty of the Governor, whenever a law creating any new County shall take effect, to issue a writ of election directed to some person whom he shall appoint as sheriff, requiring him to cause an election to be held" for the proper officers. The law creating Tippecanoe County, as appears by the laws of 1825-6, p. 14, took effect the 1st March, 1826; yet, though applications appear to have been made in proper time, the sheriff was not appointed nor the writ of election issued till the 22d of May, as appears by the records in the Secretary's Office. The first recommendation of sheriff, is dated 20th Jan. 1826, addressed to the Governor and signed by Henry Restine and Isaac C. Elston. A second recommendation was mailed at Crawfordsville, April 13, 1826, which is signed by 31 citizens of Tippecanoe, who, on account of "laying under many disadvantages for the want of a regular form of government, pray for the appointment of a sheriff and an order of election as soon as may be." The appointment of the sheriff was forwarded by a gentleman from this place the 23d of May, but the writ of election, though then made out, was held back, how long it does not appear, but so long that it became necessary to postpone the time of holding the election from the third Monday of June to the 24th of that month. This unprecedented delay is understood to have been for the purpose of favoring the views of a near relative of the Governor, who was a candidate for the clerkship, and who needed the delay to make himself eligible. The law creating Fountain county took effect the 1st April but the sheriff was not appointed until the 2d May, nor the writ of election issued until the 12th. The delay in the last case was probably occasioned by the first, for as the counties joined each other, it would have appeared strange if the last created had been the first organized. The consequence of the delay in both cases, has been the loss to the state of the revenue of both counties for the year 1826; for if they had been organized before May, the revenue would have been assessed and collected as it always has been heretofore from new counties.[2]

The certificates of the Auditor and Postmaster respecting his having drawn money improperly from the Treasury, explain the statement on that subject, and are here inserted:

"I certify that the State of Indiana is credited with fifty dollars, refunded to the Treasury, on the 3d Jan. last, by James B. Ray, for that amount over-paid him for house rent: that in making out his account for salary due the 12th of February last, the sum of thirty-six dollars thirty-seven cents was deducted from it, for a former over-payment of his executive account: and that the legislative account of James B. Ray for the year 1825, certified by him as president of the senate, contains a charge for 22½ miles more than the charges of other Representatives living at the same place; and that the one half of the travel charged to the State for that year by him, if ever performed must have been done while receiving pay as acting Governor. I further certify that I was present at the Treasurer's office, when the Governor came to examine his accounts, on the 3d January last: that the Governor, at first, used very violent language to the Treasurer, and denied having received any more money than was due him; but, after examining the receipts, he admitted the two over-payments first above mentioned, and at that time settled $50, but said that the other was the fault of the former legislature, in paying him for his services from August to December, and not his business to rectify. He complained because he had not been told of these mistakes earlier, to which the Treasurer replied, that he had mentioned the subject to the Auditor, considering him the proper person to correct mistakes of this nature. All of the over-payments, as well as something of the same kind on the subject of postage, had been mentioned to me in the fall, and I had concluded to endeavor to settle them with the Governor, the next time he should call for a warrant, but this was not done till the 3d of January last, the time mentioned, at which time I told him, and the same thing was advised by the Treasurer, that, as there was salary due him, it would be best for him to make out his account, take out all that had been improperly paid, and draw for the balance, but this he refused. He said he would settle the over payment for house rent, which he did, but that the other was the mistake of the Legislature, and the mileage and postage were too inconsiderable for the Legislature to notice. The $36 37 cents was afterwards settled as above stated.

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[2] According to the *Executive Proceedings, 1816-1836*, p. 664, Reuben Kelsey was appointed sheriff of Tippecanoe County, May 22, and the first elected officers were commissioned July 1. Merrill's accusation that the delay was caused by Ray's desire to favor a near relative has not been verified. The file of election returns in the Archives Division gives no clue as to why Tippecanoe and Fountain counties were organized so late and offers nothing to support or refute Merrill's charges.

"Wm. H. Lilly, *Aud. Pub. Acc'ts.*

"Indianapolis, July 23, 1827."

"I certify that the accounts against James B. Ray, for all the letter and newspaper postage at the post office in Indianapolis, whilst I was at home and attended on the office, for the four first quarters of his administration, were regularly ordered by him to be paid out of the State Treasury, by drafts on the contingent fund. Since the first year small deductions have been made by him for private postage and settled out of his own funds.

"Samuel Henderson, *Postmaster.*

"Indianapolis, July 23, 1827."

"I certify that during the absence of Mr. Henderson, in the first year of Mr. Ray's acting as Governor, the concerns of the post office were managed by me, and that all the letter and newspaper postage during that time, was paid on the Governor's order, out of the State Treasury.

"James Blake."

The 19th section of the 4th article of the constitution declares, that the President of the Senate when acting as Governor, shall receive the same compensation which the Governor would have received and *no more*. Yet Mr. Ray thought proper to certify and draw his mileage as Senator for service never performed, and while he was receiving pay as Governor. In addition to the other over payments mentioned by the Auditor, by referring to the laws of last session, page 8, it will be seen that instead of $200 being appropriated to him for house rent as usual, only $161 10 was appropriated, as the Governor notwithstanding what had been refunded had still anticipated to the amount of the difference between those sums. The amount of private postage ordered by the Governor to be paid out of the Treasury must be known only to himself; but by the quarterly allowances it appears, that the electioneering quarters are about three times as large as that one which precedes and that one which follows them.

. . . . [3]

"I certify that last spring, after Mr. Morris was a candidate for the legislature, before Mr. Rooker came out, that Gov. Ray met me on the pavement nearly opposite to the Washington Hall, and requested I should become a candidate to represent Marion county, stating at the same time Mr. Morris must *be put down,* as there was a combination forming against him (Gov. Ray), and he believed that Mr. Morris was in the combination. The Governor stated it was natural to oppose those that oppose us, I stated it was. But I did believe Mr. Morris was not a political or personal enemy of the Governor. But he replied he was, and must be beaten at the August election.

"S. G. Mitchell."

"I certify that Gov. Ray to whose election I had been very friendly, came to me a short time since and observed, that he had understood that I was favorable to the election of Mr. Morris in this county, and wished to know if this was the case; I told him it was; he then said that I had been friendly to him, but that if I supported Morris, he could not consider me his friend any longer, that I must choose between them, and give up one or the other.

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[3] Here is inserted a statement by Noah Leverton relative to his having received a bribe and been defrauded by the Governor. See *ante,* 223n.

"J. Crumbaugh.

"July 4, 1827."

The foregoing interferences in the election are but a small portion of what might be mentioned, and are a specimen of what was addressed to many persons among whom are Judge Harding, A. W. Reed, and W. D. Rooker, Esq., the latter of whom was a candidate for the legislature, and publicly declared in a speech, on the election day, in the presence of the Governor, that he had been offered a bribe of honor by the Governor to decline being a candidate. Information has also been given me on undoubted authority, of interferences by the Governor in three other election districts in the state.

The Governor also turned out here on election day, carried tickets, and commenced at least two public and violent altercations in relation to the election with two of our most respectable citizens, to one of whom he stated that he doubted his republicanism on account of his voting for Morris, and the other was on the same account an enemy to his country.[4]

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[4] See *post,* 258, for letter denying Ray endeavored to interfere with Rooker's candidacy.

In the *Gazette* of December 4 (extra) Ray is said to deny having a conversation with Mitchell as described above and the *Gazette* writer asserts that it was so well known that Mitchell and Morris were closely allied that it was not likely the Governor would approach Mitchell. Ray's outspoken support of certain candidates was defended. "If Merrill has imbibed aristocratic opinions in the land of all the 'wise men,' and thinks that when a man is elected a Governor, that he is placed so *high* above the people that he cannot see them, or mingle with or exchange opinions with them, or vote with them, like an Eastern Monarch, we can assure him that the Governor dissents from him. The Governor was born and educated in the Western country, and has been taught to believe, that when a man is elected to office, he is neither placed above the constitution, the law or the people; but that he stands upon the same level with them as before, with a right to enjoy all his privileges as one of them." The *Gazette* did not regard Crumbaugh's certificate worthy of notice. George L. Kinnard was elected to the House.

[5] Herein follows accusations of fraud made against Ray by persons employed by him in building a private house for him in Indianapolis.

In relation to Mr. Ray's "having frequently stated his age to be such that he could not constitutionally hold the office of Governor," at the time he was sworn into office, I will merely remark that the statement on that subject was considered to be justified from what I had myself heard from him, from a statement of the former editor of the Public Leger in his paper in 1825, that Governor Ray had in two instances made such declarations, and from a statement of two late Senators of the state, and a respectable gentleman of this town, who have heard similar declarations. Shortly after my publication, information was given me that positive proof could be obtained, that his age was not quite twenty-nine when he was sworn in as Governor, and this proof was promised to be furnished to me, but it has not yet arrived. Not expecting to want the names of the persons above referred to, no application was made for using them until so late that I have not yet received but one answer, and this gentleman is not willing to be mentioned alone.[6]

What was before stated on report, in relation to the Governor having made use of his office of "Diplomatic Agent of the United States," "to dispose of property to the Indians at five or six times its value," has since been fully confirmed to me on undoubted authority. The facts are in substance as follows: He had for some time owned a horse in this place which is stated by persons acquainted with the horse, to have been worth from five to twenty-five dollars. The Governor himself has been heard to say, that "the horse was not worth any thing," for he could travel only on soft ground, and in dry weather was nearly useless. This horse was taken out to the treaty last fall and was presented by the Governor to an Indian. The Governor afterwards brought in an account for the horse & charged and received 125 dollars. It is said, however, by some that a saddle and bridle were included in the account for which 25 dollars were charged. The horse was a few days since in

Considerable evidence was gathered in the *Gazette* of December 4 to deny this which cannot be gone into here. No clear-cut picture of what really occurred can be gained by reading all the evidence available.

[6] See *ante,* 223n.

the Indian country, "not worth five dollars." The owner intends to make a present of him to the Governor whenever he can be got here.[7]

The following transactions have been communicated to me as characteristic of the manner in which the Governor "takes care that the laws be faithfully executed:" Application was made to him from Wayne county to remit the militia fines, assessed on persons conscientiously scrupulous of bearing arms, in said county, which fines at that time unpaid at the Treasury, amounted to $672.50. The above money by the law and the constitution is directed to be paid into the Treasury, and "shall be applied in equal proportion to the support of county seminaries." The Governor refused to remit the fines, but wrote to the sheriff of Wayne county directing him to desist from collecting them, stating that he believed the Militia law on that subject was unconstitutional. The sheriff, on the receipt of the letter, supposing that the Governor had acted by proper authority, obeyed his direction, and the collection of fines was suspended. This excited much sensation in the county, of which when the Governor was informed, he wrote another letter giving altogether different directions; but the sheriff has suffered his authority to expire, and suit is now pending against him for the delinquency.[8]

In another case he sent a letter advising a Court of Justices to reconsider and confirm an election which had been contested before them and broken, and afterwards on hearing the story on the other side, wrote another letter to countermand the advice given in the first. In another case when applied to, to appoint a sheriff in the room of one whose election had been contested and broken, instead of making the appointment as the law required, he issued what he called an "ex officio writ," stating that though he had no doubt of his right to make the appointment, yet that he had issued a writ ex officio to ascertain the wishes of the people on the subject.

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[7] See letters of James Gregory, Hyacinthe Lasselle, and John Ewing, *post,* 255-56, 259-60, 260-62. The Indianapolis *Gazette,* December 4, (extra), 1827, devotes over a column to defending Ray in connection with the sale of the horse and giving in detail the transaction.

[8] The suit was heard at the February term of the Wayne Circuit Court. The judgment of the court, for the plaintiff, was reversed by the Supreme Court at the November term. The defendant said none of the assessed fines had been collected by reason of the Governor's order to suspend this collection, while the plaintiff averred there was no such order of the Governor. 2 Blackford 192-94.

The cases connected with that of Tippecanoe county already mentioned develope some striking traits in the character of the man. After telling the people that he "loves them," he thinks himself authorized to set the law, the constitution, and morality at defiance.

. . . .

. . . Let those who talk of what he has done, point to the legislative act or executive recommendation emanating from him, that has produced beneficial results. When very few if any of them can be shown, we shall be told perhaps of the late Indian Treaty. That I had no disposition to do him injustice, one proof appears from the credit given him in that respect, in my publication of the 19th of June.

But it appears by subsequent information, that the credit then awarded to the Governor was entirely undeserved. The truth is, that his conduct at the Treaty was neither honorable to himself nor beneficial to the cause in which he was engaged. Such is the general statement made by almost every one in any way acquainted with the facts. Some of the particulars are too odious to be repeated. The Treaty was once nearly broken off by his imprudence, much delay was occasioned by him, and it was not thought expedient to entrust him with a knowledge of the proceedings as they took place. The Potawatamie Treaty was agreed on several days before the fact was communicated to him. In short, it required all the knowledge of Indian character which is so eminently possessed by Gov. Cass and Gen. Tipton, to prevent the indiscretion of the other Commissioner from being fatal to the Treaty. For these services thus performed I have been assured that Gov. Ray charged and received from the United States, at the rate of eight dollars per day for double the time he was actually employed. All of the same time he charged and received his pay as Governor.[9]

The facts on which I rely for the opinion I have of the Governor, are now before the public. They have been communicated to me at different times and from different persons. If I have been in any thing misinformed, it shall be promptly corrected. My authorities appear to be satisfactory, but it would not be strange if some errors in immaterial circumstances have occurred. Ill health and necessary business has caused some delay in the publication of this article. It was intended that it should have been ready by the week after the election, but circumstances beyond my control prevented. If any of its statements are assailed in such a manner as will render it necessary for me to appear again before the public, I shall neither shrink from the task nor appear there without necessity.

SAMUEL MERRILL.

INDIANAPOLIS, August 21, 1827.

Merrill to John Tipton[1]

INDIANAPOLIS, Aug. 24th 1827

DEAR SIR: I have at last come out on the Governor in a pamphlet of 24 pages, one of which I have derected to be sent to you. From what I can learn he has altered his notion about

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[9] For payment made by the Federal government to Ray as treaty commissioner see *ante,* 225n.

See below for the following letters relating to Ray's conduct at the treaty: Merrill to Tipton, August 24 and 27, 1827; Ray to Tipton, August 25 and 27, 1827; Lasselle to the *Gazette,* September 10, 1827; Cass to Ray, September 18, 1827; John Ewing to the *Gazette,* September, 1827 (no day given); Ray to Tipton, October 23, 1827; and Tipton to Ray, October 26, 1827. See also certificates of James Gregory, September 1827 (no day given) and William Marshall and James M. Ray, October 23, 1827, below. Letters are printed in the *Gazette,* December 4 (extra), 1827, from Senators William Hendricks and James Noble, which stated that together with Congressman John Test they had recommended Ray to the President as treaty commissioner.

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[1] ALS. ISL: Tipton Papers.

"not noticing" me for he actually published a notice in advance in the Gazette by way of precaution over the signature of Fabius.[2] The contest will probably be a warm one and those who cannot afford me assistance will not I hope altogether withhold their countenance, amongst whom I hope to find you. I would not presume to ask any thing more of you than such as you can do without trouble. I have inclosed to you a letter to Mr McCain which contains some questions which Mr Barron[3] is desired to answer; Should you think proper to hand this yourself I shall take it as a favor, if not please drop into the post office or hand it to some one who will forward it. I have received from Gen. Sam Milroy[4] through Mr Blake[5] some information very much like what I hope Mr Barron will communicate. It is in fact such as from what I heard from McCarty Fletcher,[6] and several others, and no doubt truth, that the Governor was a mere cipher at the Treaty or something still worse. The Governor is now so uneasy that I should not wonder if he would even ask Gov Cass and yourself to certify in his favor This would indeed come hard to him after claiming the whole credit of the Treaty for nearly a year: then to turn round to ask for a Certificate of Good behaviour. It is a little like Dr Franklins story of the "poker." He wants pay for heating the poker at least, when further imposition fails to succeed.

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[2] See Indianapolis *Gazette*, August 21, 1827. Merrill had already announced his forthcoming pamphlet in the columns of the *Indiana Journal*. "Fabius" asked why had Merrill "detained his miserable trash against the Governor until this particular period. Why was his long list of charges preferred against the Governor just before the August election, through the state for Senators and Representatives, and his shadows of evidence kept from the public eye until those political results were past?" He concluded only because Merrill knew that "his charges were very broad, and that the cobweb of evidence which he could procure to support them, falling at an immense distance below the accusation, would produce an effect altogether different from what was intended." "Fabius" accused Merrill of "sneaking" into the secretary of state's office during his absence and searching old papers, trying to find evidence for his accusations. He further wondered why a patriotic Merrill would have withheld from the public all these years some of these things he was now "disclosing" out of public spirit.

[3] Hugh B. McKeen, Indian trader and storekeeper, and Joseph Barron, an interpreter at the treaty negotiations.

[4] Just what Milroy had told Merrill is not known. He received the contract to build the mills for the Potawatomi provided by the treaty. On September 6 Milroy wrote to Tipton: "In relation to Ray's and Merrill contest I do not understand its origin, or its object, and am willing to stand aloof—Merrill I have considered an honest man, incapable of being actuated by improper motives. Ray we mutually know." *John Tipton Papers*, 1:784-85.

[5] James Blake.

[6] Jonathan McCarty; Calvin Fletcher.

. . . .

I have written to Mr. Forsythe[7] respecting the compensation charged and received by the Governor for his services as Commissioner. I shall [neglect] no honorable means to obtain success but I am sensible that much very much must depend on others whether my labors are in vain or not. The tree which is not uprooted by the tempest is only the more firmly established. If therefore, you wish well to my cause as I believe you do, your intimations might produce or enable me to produce an effect which I should otherwise fall far short of. We have acted in concert and we have opposed each other: might the former hereafter only be remembered.[8]

I am yours sincerely

SAML MERRILL

GEN. TIPTON.

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[7] Robert Forsyth, who had acted as chief commissary for the treaty commissioners.

[8] Merrill wrote again to Tipton on the 27th (see below) and on September 29. See *John Tipton Papers,* 1:793. In the latter he wrote: "Your letter has afforded me much satisfaction. [Tipton's letter has not been found.] . . . It was also very satisfactory to learn what will be done by Gov. Cass, for his statement if not very much in favor of Gov. Ray must in a great measure be decisive of the event. I shall avail myself of all the hints and directions contained in your communication, but can hardly expect answers from some of the persons at least till they understand what has been done by Gov. Cass and yourself. I enclose the questions for Messrs [James] Wymon [Indian trader], Barron, etc."

Ray to John Tipton[1]

INDIANAPOLIS Augt. 25. 1827—

GENL. JNO. TIPTON,

SIR, I am constrained to call upon you for a statement of facts relative to my conduct at the late treaty with the Indians. I am charged: 1st with not acting honorably to my self or beneficial to the cause of the treaty. 2nd That my conduct was *odious* at the treaty. 3rd That the treaty was once nearly broken off by my imprudence.

4th That much delay was occasioned by me.

5th That I was not entrusted with a knowledge of the proceedings as they took place.

6th That the Pottawattamie treaty was agreed upon, several days before the fact was communicated to me. 7th That my indiscretion was fatal to the treaty. 8th that I charg'd the U. S. for *double* the time employed.[2] Now, Sir, I ask of your friendship to notice all these charges in detail and give me a certificate as to the falsity of *each* of them. You know what my account was, and whether for *more* days than I was employed or not, for you and myself were together the *whole* time.

I know that we compared our accounts in your tent together. I gave you my name at the treaty ground, and never expected to need yours; but the spirit of persecution is up and I am charged with all these monstrous deeds that have been named. I allude to Mr. Merrills publication. Should your sense of justice readily give me a special certificate as to the falsity of those charges I shall feel under renewed Obligations. Please let me hear from you immediately, as I wish to publish a pamphlet. I have written to Govr. Cass and many other distinguished gentlemen who attended the treaty, on the same subject, and expect soon to get similar certificates from them, to that requested of you.

I wrote you a hasty and I must admit imprudent letter by Mr. Blair on the receipt of Govr. Cass' first letter to me; but on getting his second was satisfied about the goods affair, I hope you still feel, as you did when at Indianapolis last towards me.

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[1] ALS. ISL: Tipton Papers.

[2] These charges are made by Merrill in his pamphlet, p. 23.

Respy. yr. obt. servt. & fr[ien]d—

J. B. RAY.

NB. Be pleased to let me hear from you as soon as possible

NB) I am also charged with selling a horse at five or six times its value. Having already, approved all the accounts, please certify also that no such accounts were allowed. Yourself Govr. Cass & myself signed all the accounts, and you could not have been thus deceived.[3]

J.B.R.

[Addressed:] Genl. John Tipton, Indian Agent, Fort Wayne, Allen county, Indiana.

Samuel Merrill to John Tipton[1]

INDIANAPOLIS Aug. 27 1827

DEAR SIR: I wrote to you by last mail and also sent a letter to Mr Mc Cain, with a request that he would procure the Statement of Mr Barron in relation to the influence, conduct &c of the Governor at the Treaty. Having just learned that your black man is about starting out I have concluded to drop a line on the same subject, as it will probably reach you sooner than the other by mail. The prospect seems to be favorable at present, the publication is making I understand rather more impression than I expected in this quarter: Even Gen Hanna[2] has declared that he will be quiet and not interfere if he is let alone. This is no doubt a good omen for he would not talk in that way unless he was some what alarmed. I have just re-

[3] See a second and third letter from Ray to Tipton, August 27, October 23, *post*, 253-54, 265-66, and Tipton's reply, October 26, *post*, 266-67. Tipton's delay in replying indicates that he preferred not to become involved in the controversy, and also that he was not enthusiastic about Ray's cause. This is likewise indicated in Merrill's letter to him of September 29, quoted *ante*, 250n.

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[1] ALS. ISL: Tipton Papers.

[2] Robert Hanna.

ceived a letter from James Blake at his Ginseng establishment above Lafayette. He has Just seen Gen Milroy who, from the statements of Indian Traders and Indians, gives not the least credit to the Governor for his share in the Treaty. And he promises to send on Certificates to that effect. The time will soon come when there will be no difference of opinion as to who should have the merit of bringing about the Treaty, and the credit will not be diminished by his neglecting to trumpet his own fame.

Mr Vigus[3] tells me that he has sent along some of the pamphlets. Some thing further will no doubt be necessary hereafter; but what I can hardly tell I wish however to be ready for whatever may come.

I am yours in haste

SAML MERRILL

GEN TIPTON

I heard the other day that Mr. Thompson was very sick and his life despaired of.

Ray to John Tipton[1]

INDIANAPOLIS Augt 27. 1827—

DEAR GENL—I addressed you by the last mail,[2] but the black boy will carry you this before the other reaches you.

You see from the pamphlet of Merrill that I have been severely attacked.

I am constrained to ask of you to award me that justice to prevent that creature from ruining me that I think my course and conduct requires.

Do me the favour, Sir, in a certificate to me, at as early a period as you can to negative the following charges, with such other remarks as your sense of propriety will dictate.

[3] Probably Jordan Vigus, who was keeping a tavern in Indianapolis at this time.

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[1] ALS. ISL: Tipton Papers.

[2] *Ante*, 251-52.

Say, whether my conduct at the treaty and in relation to it was honorable to myself, and beneficial to the cause I was engaged in or not? Say if it was odious? Say was the treaty once nearly broken off by my imprudence or not? Did I occasion any delay of the treaty, by any thing I done? Was I or not entrusted with a knowledge of the proceedings as they took place? Was the Pottawattomie treaty agreed upon before I knew it or not? Did I charge the United [States] for a greater number of days according to the Rule laid down by Govr Cass than I was employed. Was I or not the one that originated the grant for the Michigan Road to which yourself & Govr. Cass assented? Did I sell a horse for more than his value? You know that my Brother sold this horse and got the account made out in his name; and I think it is a high reflection upon the Commissioners to say that they jointly allowed illegal accounts. I have written to Govr. Cass and many other gentlemen who were at the treaty to say what my conduct was. I wish your friendship to the same effect. Please to say *specially* concerning these charges severally what you think right. You know that you & myself compared accounts in your cabin and we both agreed what was right to charge. I was with you all the time, and you can speak with certainty. I certified to your conduct at the treaty and am willing to do it again. Little did I think it would ever be necessary for me to trouble you for any thing, but it is the only resort, I have. It will do me much good with Govr. Cass.—The letter I wrote to you by Mr. Blair was before I got Govr. Cass' second letter and after I recd. his first. His second satisfied me; and I trust my letter by Mr. Blair will be consigned to oblivion. I write this letter whilst your boy is in waiting. Excuse it.

Your willingness to do me the favour I have asked in this letter will lay me under renewed obligations to you.

Allow me to renew my assurances of friendship & Esteem.

J. B. Ray

[Addressed:] Genl. John Tipton, Fort Wayne, Indiana.

Hyacinthe Lasselle to Editor of Indianapolis *Gazette*[1]

VINCENNES, Sept. 10, 1827.

SIR: Having read a pamphlet, said to be published by Samuel Merrill, wherein Governor Ray is charged with selling property to the Indians, at five or six times its value, and other things not less disgraceful in their nature, (which the pamphlet does not specify,) while acting as a commissioner, in conjunction with Gov. Cass and Gen. Tipton, last fall, I do not hesitate to state what I so well know, that all such charges are incorrect and unfounded. I attended the meeting of the commissioners mentioned, from the commencement to the ending of their labors; and having enjoyed their friendly intercourse, I was enabled, by their confidence and my knowledge of the Indian language, to learn all that transpired. I do not believe that Gov. Ray sold any property to the Indians. An Indian fancied a horse, said to belong to the Governor, and applied to the brother of the Governor to procure him—that Indian, or some other, finally got the horse of the brother of Gov. Ray, at a much less price, in proportion to his appearance, than many other individuals obtained for other horses. I understood that horse of the Governor's was sold for one hundred dollars; and really, from his appearance at the treaty ground, he would command that price, or about that price, in Vincennes, at any time.

That the services of Gov. Ray, in the capacity of commissioner, were creditable to himself and beneficial to the state over which he presides, I never before heard even doubted. Some of the Potawatomies told me, that they hesitated in completing their treaty, on account of the Miamies claiming to sell the same land; and that they had reason to be thankful to their great father at Washington, for appointing a commissioner to treat with them so disposed to act with uprightness and propriety. Of all the commissioners, Gov. Ray was a particular favorite of the chiefs of that nation. I cannot believe that any gentleman who attended the treaty last fall, will be found to acquiesce in the charges alleged against Governor Ray, as a commissioner: I am sure I am actuated solely by the spirit of truth in declaring, that all such charges and insinuations as I have alluded to, are unjust and untrue. The whole course of Gov. Ray, as a commissioner, and as an individual, was evidently characterized by a frankness and a gentlemanly courtesy becoming his dignified station—and he seemed assiduously intent, from first to last, to accomplish the object of the United States—to promote the interests of Indiana, and render a lasting service to his country: all of which, in my humble opinion, he prompted and efficiently aided to accomplish. Very respectfully, Your ob't. serv't.

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[1] Indianapolis *Gazette* (extra), December 4, 1827.

H. LASSELLE

Lewis Cass to Ray[1]

ST. JOSEPH, Sept. 18, 1827

DEAR SIR—Your letter of August 25, reached Detroit the day before my departure. I had not time to attend to it then, and in truth I have not much to spare here, but my anxiety to comply with your request in the statement of such facts, concerning the transaction at the Wabash last autumn, as are within my knowledge, and material to a correct estimate of your conduct as a public officer, induces me to address you from this place. I am always unwilling to interfere in any dispute involving political views or feelings. Whether as you suppose, these mingle in the statements which have been made upon this subject, I have not the means of judging, and at any rate, your demand of my testimony, is too earnest to be resisted. To some of your questions I cannot give definite answers, because, in some instances, the facts were not known to me, and in others my recollection has become indistinct by the occurrence of more recent events. My general impression, however, is clear that you were extremely anxious to accomplish the objects of your mission, and to obtain important advantages for the state of Indiana. You attempted, and at one time expected to procure an entire cession of Indian lands within the state, and I imagine that the impressions respecting the concealment of any part of the proceedings relating to the treaty, resulted from your views in this subject and upon the question concerning the provision for a *canal.* You were inclined to think that if these objects could not be accomplished, it would be better to break off the negotiations. General Tipton and myself determined at an early stage of the proceedings to make the best treaty we could, and if any reasonable cession could be obtained to accept it and refer the final decision to the President and Senate; but not to take the responsibility of departing without signing a treaty. This view was fully communicated to you, and I am not aware of any fact in the progress of the treaty, which was not fully discussed by all of the commissioners. It is possible that the zeal you felt for the interest of the state, led you to adhere to these two points I have mentioned, longer than the other commissioners deemed it prudent; and *perhaps* more time was spent in the negotiation, than would otherwise have been done, and the event rendered somewhat more doubtful; but *certainly* these objects were *vastly* important to the state, and their accomplishment would have repaid any *time* or risk devoted to them.

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[1] Indiana *House Journal,* 1830-31, pp. 50-52. Also in *Senate Journal,* 1830-31, pp. 42-44.

The *canal* and the *road* were favorite projects with you. With whom the first idea respecting the road originated, I do not know. I know it was supported by you with great zeal, and the article making provision for it, was written by you nearly as it stands in the treaty. Your horse was presented to an Indian, but of his value I know nothing. He appeared to be an elegant animal, and the possessor seemed very fond of him. The allowance to commissioners negotiating Indian treaties, is eight dollars a day for every day's employment, and eight dollars for every twenty miles travel. I understood that you and Gen. Tipton travelled through the Indian country to select the site for the council. This constituted a very proper subject of charge, and together with the travel to and from the treaty, no doubt rendered your account higher than it otherwise would have been. But it was a duty necessary to be performed. For myself I can freely say that during the whole negotiation I conversed with you daily, and almost hourly; that I found you zealous and even anxious, and willing to take your full share of responsibility, and as ready as others to suggest such measures as appeared best calculated to obviate difficulties. There was nothing in your conduct which met my eye that was not *honorable* and proper, and if our exertions were ultimately crowned with success, you are entitled to a just *share* of the credit.

With much respect, I am, &c.

LEW. CASS

J. B. RAY

Ray to John Cain[1]

INDIANAPOLIS, Sept. 30, 1827

SIR: Be pleased to answer the following questions, to wit:

1st. Did you not hear W. D. Rooker Esq. admit to me, that I did not at any *time request him* to decline being a candidate for the Legislature, as had been reported?

2d. Did he not say that it was an inference of his own, that he was wanted out of the way?

3d. Did he not say that the report was false, that I had offered him a $60 horse to decline?—

Resp. yours,

J. B. RAY

MR. JOHN CAIN.

[Answer]

SIR: The above questions are answered in the affirmative, the conversation having taken place in my presence and hearing.—

Respectfully,

JOHN CAIN

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[1] Indianapolis *Gazette* (extra), December 4, 1827. Cain, a citizen of Indianapolis, later became postmaster.

John Ewing to Editor of Indianapolis *Gazette,* Extract[1]

VINCENNES, Sept. 1827

DEAR SIR: I have received and read the publication of Mr. Merrill, and I regret to see the existence of the spirit that pervades it—he has lost sight of his usual propriety, or he never could have been induced to commit himself to such an extent. I had cherished a personal regard for Mr. Merrill, which causes me to lament this the more; but my sense of right and justice, cannot acquiesce, when I see odious and criminal charges, which I know to be untrue, promulgated to injure Gov. Ray. In this case the character of the state is also involved; for its Treasurer has become the avowed accuser of its first magistrate, and we are yet too young in the confederated union of sister states, to overlook the opinion such charges may be supposed calculated to affix. It does seem to me, there is at this time, no other state in the union, in which personal and local party spirit takes the same range it has labored for in ours, since the elevation of Gov. Ray. I admit its policy and its principles every where, will readily be discovered to vary with the views and interests of its promoters; but it is rare to see it in any other state, continue its malignant machinations and foment such successive attempts as tend only to corrode or paralize those whose efforts are directed to the public good. The acrimonious jarrings so common with us, have almost ceased to operate in the older state; and it is fondly hoped, the time rapidly approaches when the men who resort to such means to instil false impressions here, will be passed by an intelligent people, with merited indifference.

Of much of the matter embraced by Mr. Merrill, I confess I know nothing, yet I assure you the part with which I profess to be fully acquainted, with the party schemes not unknown to you, destroy the confidence I should otherwise be disposed to place in charges originating in such a source. You know I attended the Indian treaty last fall, and in telling what I know of the proceedings there, I could wish not to run foul of the caustic gall that censures Governor Ray—but in such a tempest that may be impossible—be it so, I care not from what quarter the shock of collision proceeds, I pronounce the charges derogatory to the Governor as a commissioner on behalf of the United States, at that treaty, to be malicious fabrications. My intimacy with the commissioners afforded to me every opportunity of knowing what passed—and I believe I may say, I enjoyed a full share of the confidence of Gov. Cass and Gov. Ray, throughout the whole negotiation—and I avow, I discovered in the conduct or course of the Governor nothing but what tended to advance the object of his appointment, the glory of the country, and the prosperity of the state. The subject of a grant of land to promote internal improvement was agitated in the progress of the negociation, and I had on the road to Fort Wayne previous to the treaty, a conversation with Gov. Hendricks upon the subject of procuring a grant to aid the improvement of the Wabash—but it is my firm belief that Gov. Ray was mainly instrumental in procuring the grant for the Michigan road, and that he merits the credit of insisting upon and accomplishing that important measure. Indeed throughout the whole of the negotiation, the services of Gov. Ray were fully commensurate with the duties his important station required—and I will not allow myself at this time to think that any of the many worthy citizens who attended that treaty would hesitate, whatever the personal feelings that exist, to repel the false imputations relative to this matter, which Mr. Merrill has headlessly circulated.

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[1] Indianapolis *Gazette,* December 4 (extra), 1827.

Certificate of James Gregory[1]

[September ? 1827]

I certify that I went in company with Gov. Ray, from Indianapolis, to the treaty, and was in his company while there, every day, until he returned home, and I saw nothing ungentlemanly in his conduct, during the *whole* time we were together: it certainly was far from being odious.

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[1] Indianapolis *Gazette,* December 4 (extra), 1827. For Gregory see *ante,* 137n.

As to the business in which he was engaged, it being new to me, I knew but little, only what was transacted in the council house. I saw no difference in the attendance of the commissioners. Gov. Ray was certainly attentive, as I thought, to the business of the treaty; and this idea was confirmed by what I heard Gov. Cass say: that Gov. Ray was very attentive to his duty, and certainly understood the interest of the state. The things about which I heard him speak in praise of Gov. Ray, more than once, in our conversation, were, first, as to the Michigan Road. He told me that Gov. Ray did originate and insert that article in the treaty; and this was confirmed to me by a remark that I heard Gen. Tipton make afterwards, speaking of the same subject, that he would have been better satisfied if Governor Ray had made Fort Wayne a point. The second was, that he had inserted that article of the Miami treaty, which only allows them to draw their annuities while they exist as a nation, and not perpetually, as long as there is one in existence: and you may search the treaty through, and you cannot find any two items of more importance, both to the United States and to the state of Indiana.

And as to the treaty being nearly broken off, on account of Gov. Ray's imprudent conduct, it is something I never heard, until I saw it in Mr. Merrill's pamphlet. I was one of the commissaries, and if the fact had existed, I should have heard it while there; for I was conversant with all of the commissioners. Such a thing, in my humble opinion, never did exist.

The horse that the Indian got of the Governor's brother, I can say but little about. I know that Tom, his waiter, rode the horse out, and had on him a considerable luggage; and there was no complaint about his performance. He was a large, likely, good looking animal; and I understood by the Governor's brother, that Aubanaba, an Indian chief, had taken a fancy to the horse, and that he was going to get him, but in what manner or way I cannot be positive, as there were so many transactions going on to accommodate the Indians, a man must be envied for his good recollection, if he could, at this distant day, remember one half.

This much I have said, as was my duty to say, to shield any individual from such statements as I have heard made about Gov. Ray's conduct at the treaty, which, from my own observation, I have every reason to believe are false.

JAMES GREGORY

Certificate of William Marshall and James M. Ray[1]

BROWNSTOWN, Oct. 23, 1827

Being referred to by Gov. Ray, as to his services as a commissioner to treaty with the Indians last fall, on the Wabash, when we served as secretaries, we have to state, that the Governor, with the other commissioners, manifested from the commencement, a very great anxiety for the success of the negotiation.

In the first reply of both tribes, to the propositions made to them in council, they positively refused to part with another inch of their land, on any terms; and thus at once, we, with others who were not conversant with these transactions, supposed the attempt to have proved abortive, and that the negotiations were at an end. But this answer appeared to be only a customary prelude on their part, and exertions were then used, through the interpreters and confidential agents, competent and acquainted with the Indians, to bring about an understanding with chiefs and principal men among them for a treaty.

It was, we understood, as to the practicability of procuring an *entire* extinguishment of the Indian title to the residue of the state, that a difference of opinion and want of concert originated between the members of the commission: Gov. Ray expressing, at first, a decided determination to procure a treaty for the whole, and sanguine expectation of succeeding in it; while the other gentlemen were of the opinion, that it was impossible to procure so much, or, indeed, any greater extent than was finally attained. After much time spent in attempting and forwarding the negotiations through the persons entrusted, of the progress and purport of which, various reports were constantly circulating, as, that an attempt had been made, pursuant to Gov. Ray's opinion, to procure an entire extinguishment, and had failed; and that then the other commissioners had been urging on the chiefs, an agreement for a sale to a less extent. A second council was at length held on the 12th day of October, with the Potowatamies, when the following communications passed:—they stated, that "they had thought of the propositions, and had agreed to them, in part;"—to which Gov. Ray replied, that "they were glad their generosity had led them to dispose of a part of their lands, but that it would be more satisfactory, if they would enlarge their propositions;" and added, that "it was their wish to make a road from Indianapolis, their great village, to Lake Michigan, &c." They answered, "We have nothing more to say; we have told our terms, and do not wish to hear any thing more." Gov. Ray replied, that "he only wished to make some remarks to them"—to which they answered, "When we met, our ears were open to hear, our eyes open to see; we heard your propositions and answered them:" adding, "You have listened; what is the reason you cannot hear?" Gov. Cass replied, "When our children put any thing in your ears, we do not pull it out, we let you pull it out yourselves:" and the council was closed.

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[1] Indianapolis *Gazette*, December 4 (extra), 1827.

This was the first proposal we heard made to the Indians, for a grant for the road, and we always understood it was at the instance and suggestion of Gov. Ray. Apprehensions were then expressed by some, that the proposal for the road, for which the Indians seemed so totally unprepared, would break off the negotiation. We recollect Gov. Ray remarking, that "he would not agree to join in a treaty *for the limits proposed,* unless the provision for the grant for a road was inserted."

The draft of the treaty was then handed to our room, from which to draw duplicates for signing, when we were directed to call on Gov. Ray for a provision he was preparing relative to the road. Accordingly, two articles were handed in by him, one relating to the road grant, and another providing for a grant along the Wabash for a canal. After a consultation among the commissioners next morning, an article was inserted for the road grant, as it now stands, and the canal article was excluded—and on the 16th October, the duplicates of the treaty were signed and concluded, as prepared, in council, by the commissioners and the chiefs and principal men.

As to the Miami treaty, much delay was experienced, before any understanding could be settled with them, as a council held with them on October 16th, was broken off abruptly, Gov. Cass informing them, that unless they had something different to propose, he would not meet them in council again. Serious fears, we believe, were entertained generally, as to the result, and every possible exertion was used to bring them to terms; the means and progress of which, we presume, were known only to the commissioners authorizing them, and to their confidential agents, who were conversant with the Indian character and feelings, and formed the only channel of communication. During this interval, Gen. Tipton addressed the tribe at their encampment. At length, on Oct. 22d, a draft, from which to draw a treaty with them, was handed by Gov. Cass, in his hand writing, and in the clause providing for the payment of the annuity, the limitation *"as long as they exist together as a tribe,"* as the term of their receiving, was inserted, in Gov. Ray's hand writing, and was pointed out by Gov. Cass as being of much moment, and that it was at Gov. Ray's suggestion; and on October 23d, the Miami Treaty was concluded and signed in council. The draft of this treaty, and the records of the communications made in council, are in our possession. As to the proposals and arrangements made out of council, in affecting agreements with the chiefs for the treaties, no documents were filed; and we believe we have above stated every essential particular relative to these matters, with which, as secretaries, we had an opportunity of being acquainted.

WM. MARSHALL } Sec's.
J. M. RAY,* }

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* Mr. Ray is no relation to Gov. Ray.

Ray to John Tipton[1]

Indps. Oct. 23rd. 1827

Dr. sr. Having an opportunity by Mr. Burr allow me to address you again concerning the charges made against me by Merrill. I have been waiting anxiously for your promised reply. I have supposed that yourself and Govr. Cass framed one when you were both lately together to the north. If I am to get one at all, be pleased to allow me to request it immediately. If you feel unwilling to contradict the gross slanders uttered in that Pamphlet, not only against me, but against *all* the Commissioners, let me know your determination by the bearer. I can inform you that I have obtained the certificates of many of the most distinguished gentlemen who attended that treaty that every charge and insinuation in the Pamphlet are untrue; and I presume that there is no man possessing any regard for his reputation for *truth* will support any thing that is said in it. I have asked you and Govr. Cass to contradict in detail *all* those charges *in justice* to a slandered public officer; and if you are unwilling to do this I shall appeal to the disinterested multitude who attended that treaty, and all that took place *shall* come out.

As you stated in your letter to me, it is true that you went to see the Miamies with Col. Gregory just before the treaty with them was signed; but you certainly went to them as Col. Gregory well recollects with the advice and a full knowledge of that interview, on behalf of the other Commissioners. This matter, however, has nothing to do with any part of Merrills pamphlet.

If you give me a certificate, in addition to the facts I have already requested, let me request that you will also certify that every account not only for *services as Commissioners,* but for property sold, was allowed and signed by *all* of the Commissioners to be just. If any thing is wrong, the whole mission is wrong.

I am told that Merrill has addressed a series of questions to several men under your employ about this matter. How ridiculous! Time may unfold many mysteries. How these stories got out, the evil spirit that conceived them can only tell. I have not heard from Cass. Fear he has not recd. my letter.

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[1] ALS. ISL: Tipton Papers.

If you write, allow me to repeat, that it is my request that you may say yes or no to every charge and insinuation that you find in Merrills' book concerning that treaty. I know they are false, and I can prove them so by hundreds—

Respty. yr. frd. & obt. servt.—

J. B. Ray

great haste.

[Addressed:] Genl. John Tipton Indian agent Fort Wayne Indiana Mr. Burr

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John Tipton to Ray[1]

Fort Wayne, 26th Oct. 1827

Dear Sir—Since my letter of the 1st of last month, I have conversed partially with his Excellency, Gov. Cass, on the subject of the certificate about which you had severally addressed us. Being engaged in public business, we had not an opportunity of writing while together, and I employ leisure moment to comply with your request as far as my very imperfect recollection of the occurrences of events enable me. To some of your interrogatories, I cannot give definite answers, because the facts are not within my knowledge, and in others my recollection has been too indistinct by the occurrence of more recent events over which I have no control. My general impression has ever been, that you were extremely anxious to accomplish the object of your mission. You attempted with great zeal to obtain a general extinguishment of Indian title to land within the state, and expressed an opinion that if it could not be accomplished, it would be best to break off the negotiation: but Governor Cass and myself concluded at an early day after we met, to make the best treaty we could, and to submit its ultimate decision to the President and Senate, and allow you to sign or dissent.

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[1] Indiana *House Journal,* 1830-31, pp. 52-53. Also in *Senate Journal,* 1830-31, pp. 44-45.

This view was communicated to you by one or both of us. The *canal* and road were also a favorite project with you, and were urged with much warmth. Your anxiety to obtain them caused you to pursue those objects longer than Governor Cass and myself thought prudent; and I have thought more time was spent than need have been, and our success rendered much more doubtful thereby. I cannot say particularly with whom the *road* project originated. You advocated it with zeal and warmth and wrote the article making that provision nearly as it now appears in the treaty. We conversed freely and frequently on the size and shape of the country finally purchased, as well as the price paid for it; and the *road* and *canal* privilege, assumed almost every possible shape during the negotiation.

I always found you ready and willing to take your share of responsibility, and to make any suggestions as appeared to you best qualified to obtain our object; and when we differed, I attributed it to mere difference of opinion, and have seldom if ever spoken of it publicly. I have said to your friends and to your enemies, that I thought you done all in your power, and that no part of your conduct met my eye that was dishonorable.

Your obedient servant,

JOHN TIPTON

HIS EXC'Y. J. B. RAY.

Ray to Editors of Indianapolis *Gazette*[1]

INDIANAPOLIS, Nov. 20, 1827.

MESSRS. SMITH & BOLTON:

GENTLEMEN: I have looked over what is above this note of mine, and find a number of facts asserted upon the "authority of the Governor," which I believe to be strictly true.

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[1] Indianapolis *Gazette,* December 4 (extra), 1827.

I must be permitted to add, that some of the certificates and communications published as above, were obtained with a view of making a defence before the people in person, to convince them that I had not done any thing which should abate their confidence towards me; but have yielded to the solicitation of friends to let them be published.

Respectfully your obt. serv't.

James B. Ray[2]

J. N. Wick: Statement on Warren County Election Return[1]

Secretary's Office 1st Dec 1827

I will give a plain statement of facts relative to the proceedings of James B Ray at the time the first returns of Elections and other documents relative to the same were received at this office from the County of Warren.[2]

By reference to the return you will perceive that on the 7th day of July commissions for certain officers were issued by John M Frazee who acted as deputy in this office (as I was absent from the seat of government,) some time after my return I found the aforesaid return from the county of Warren in a place where are kept official documents which are under Executive consideration, and seeing that all the officers named in the return had not been commissioned accordingly handed the afforesaid return together with a petition from the county of Jefferson for the appointment of Notary Public and an order for a writ of Election for the County of Montgomery, and two three or four days previous to the 28th day of August the aforesaid documents were returned to me by His Excel-

[2] Ray refers to the certificates and letters he had obtained to refute Samuel Merrill's charges. They were printed together with this letter in the *Gazette*. Some of them are reproduced above.

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[1] ADS. ISL: Archives Division, Recommendations and Appointments file. J. N. Wick was a brother of Secretary of State W. W. Wick and was employed in the Secretary's office.

[2] *Ante*, 226-28n.

lency with orders endorsed on the back of each of the aforesaid documents from the Counties of Jefferson and Montgomery, IE, orders from the Governor stating in what way to dispose of each of the last mentioned documents, but no order of any kind whatever endorsed on any part of the return from the County of Warren & I immediately assumed that nothing more would be required. And accordingly the return from the County of Warren was finally disposed of and filed.

Nothing more was done with the said return from Warren until the 7th of October when His Excellency to[ok] action upon it.

(For sundry defects in the manner the return was mad the Secretary or his deputy could not act upon it without a special order from the Governor)

J. N. Wick

Report of Agent of State for Indianapolis[1]

Agent's Office, December 1, 1827.

Since the first day of December last, lots and squares have been sold to the amount of	$12 374 05
Cash received,	3 285 37
17 lots were relinquished last June, and applied to the payment, 4 lots amounting to	281 67

An allowance in back rents has been made for improvements on the donation, to all such persons as came within the provisions of the act, except to Isaac Coe, who retains his improvements for two years from March last, all the others were then rented for three years.

I contracted in March last with Samuel J. and Robert Patterson for building an office for the Clerk of the Supreme Court, at $429.

Some extra work has been done on the building, which, together with the plans and estimates for that and the Governor's house, may amount to $50.

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[1] Indiana *House Journal*, 1827-28, pp. 91-92.

I would recommend, if you think it advisable, a sale of all the lands of the donation, immediately north and south of the town: also the remainder of a tier of squares within and on the south side of the town, a part of which was sold last spring.

If you should deem it proper, I would ask for an appropriation to enclose the circle, and I think a lot should be reserved immediately adjoining, for the Governor's use.

If it is intended that the state house be commenced within two years, would it not be best to make an appropriation this session for the purpose of procuring materials. The lumber should be on the ground, and the brick burned the season before the building commences. The foundation must be stone, and should be laid one year before it be built upon, that the frost may try out, and should it settle and crack, it ought to be taken down and rebuilt. In no other way can you have a good foundation for a heavy building in this place.[2]

Respectfully submitted,

B. I. BLYTHE,
Agent of State.

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[2] The report of the House committee on the affairs of Indianapolis stated that they "deemed it inexpedient for the legislature, either to make the said appropriation [for the erection of a State Capitol] or authorize an additional sale of lots, &c. at the present session." But the committee did believe "that the rearing of a state house, at no very distant period, and as soon as the Indianapolis funds can be brought to sustain the undertaking, an object that would conduce much to the interest of this town, as well as the character of the state generally."

The Assembly passed a resolution requiring complete statements of the fund from its beginning, including data on the leases of the donation and unsold lots, to be presented to the legislature at the next session. *Laws of Indiana,* 1827-28, pp. 135-36. For this report see below, December 10, 1828.

A move to sell the lots north of the courthouse, reserved for a market house, was squelched in the House, the committee reporting that such sale without the consent of the owners of lots in the east half of town, would be a violation of contract, as well as of public faith. Indiana *House Journal,* 1827-28, p. 173. The first market house had been built in 1822 in the center of the Circle where they were now building the Governor's House. Indianapolis *Gazette,* June 22, 1822.

Ray: Message to the General Assembly[1]

[December 4, 1827]

GENTLEMEN OF THE SENATE, AND OF THE HOUSE OF REPRESENTATIVES:

On our assemblage as the servants of the people, and after an exchange of the customary salutations, let us cordially congratulate each other, that the last political year, has crowned with the most signal success the highest interests of our fellow citizens. To that *Being* in whose hands the destinies of Nations are, we next owe the offer of our thanks, upon the altar of gratitude, for the unmerited blessings which He has tendered to felicitate our condition, resolving not to abate our most fervent aspirations for their continuance.

Our yeomanry, aided by a fruitful season, have extracted from the soil by well directed industry, every substantial necessary plentifully, and in that rich variety which our choice climate affords. To this may be added the welcome intelligence from each part of the state, that our inhabitants have been favored with a greater portion of health in the aggregate than they have for past years, giving us full evidence that our already acknowledged healthful country, is still improving in this inestimable enjoyment. At a time of profound peace and without any prospect of a rupture with any of those powers with whom the United States have relations, inhabiting a country possessing superior natural advantages to most others. and increasing in numbers with a rapidity which clearly foretells our brilliant destiny, what is more natural, than that the attention of those whose whole interest is identified with their countries, and whose affections are fixed on its glory, should be principally directed in laying that foundation upon which the present generation may build their own, and their posterity's permanent prosperity?

When we bring in review before us, the successive currents of emigration, which annually penetrate the deep recesses of the Western forests; when we behold the generous efforts of the enlightened Statesman and Philanthropist for the establishment of primary and higher schools, that education may be equal and universal; when we witness the enterprize and industry of the people, their morality and order, the conclusion follows, that all the essential elements are concentrating to prosecute and consummate the great design of the social compact.

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[1] Indiana *Senate Journal,* 1827-28, pp. 9-27. Also in *House Journal,* 1827-28, pp. 15-32.

The acting population of Indiana being constituted principally by emigrants from each of the twenty-four state sovereignties, with a small number from most of the Christian powers of Europe, and possessing those prejudices and opinions concerning government and law, imbibed in early life, from those distinctive circumstances which surround seperate communities, it is perfectly natural to expect, at present, an indescribable diversity of sentiment upon every project or regulation which may be submitted by those in authority, for consideration. To govern, or legislate for such a discordant body politick at once, to the satisfaction of *all,* is what the ablest lawgivers of Greece or Rome would not dream of effecting, were they present.—We may aim, as we ought, to make public opinion our guide in matters of expediency, but it will be for the statesmen of some future age to shape the law which will be executed upon our whole society, without any indication of discontent. Then, if this is so, and we cannot change it, let us begin our task, and under the circumstances, make our best exertion in sincerity and honesty, and with all our ability for the general interest of those who have employed us.

Before I proceed to lay before you those subjects, which under the constitution I feel myself bound to submit, allow me in the name of the people, whose government this is, to request and most solemnly, that during this session, those highly interesting and important matters upon which we must act conjointly, may claim your *whole* attention. If nothing should obtrude itself upon your notice but legitimate subjects of legislation, then, we shall find at the end of your labors, that reason, the soul of all good legislation, will have triumphed. Whoever attempts to hoist the standard of party, in or out of your body, tending to make principle subservient to political calculation and management, should be viewed as aiming a fatal blow at the public tranquility. If it is kept in mind, that party is the folly and madness of *many* for the benefit of a *few,* it will have but a small number of votaries.

At no period since the organization of our state government, have topics arisen of such vast concern and deep interest for legislative deliberation, as those upon which the members of the present session will be called upon to act. Questions of such great moment, and involving so much difficulty, responsibility and perplexity, as those alluded to, require the most calm, distinterested and intense reflection. The public eye is fixed upon the proceedings of this General Assembly, and it is expected that each member will do his duty, laying aside every extrinsic consideration.

Within the space of the last fifteen months, public lands have been granted to the state of Indiana, through the instrumentality of her public functionaries, estimated to be worth about one million, two hundred and fifty thousand dollars, free of cost, for special purposes. The objects and terms of those immense grants, may be seen by a reference to the two treaties made in the fall of the year 1826, with the Miami and Potowatamie nations of Indians; and two acts of the last Congress of the United States, now in the Secretary's office, which will be laid before you.[2] It is believed that the most sanguine politician, will be unable to point to any combination of circumstances, which will again place under the control of the state, *in the same time,* and perhaps not for half a century —perhaps never, such extensive and valuable resources, for prosecuting a grand system of internal improvement to a successful termination, and for the ultimate production of a revenue that shall relieve our fellow citizens from taxation. Legislatures that have formerly sat, have been engaged in theoretical disquisitions into the expediency of making considerable commercial improvements in the interior of the state; but not having the means within their grasp, which alone can give vitality and certainty to such gigantic undertakings as were conceived, no decisive step has yet been taken. What has been said and done, having but little other effect than to invite discussion, and enliven the public mind to its best interests, the honor seems to have been reserved to the representatives of the people, now present, to act efficiently in relation to those public works, of which the highest expectations are entertained.

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[2] For the two acts see U. S. *Statutes at Large,* 4:234-35, 236. The act relating to the road authorized the General Assembly to locate and make a road from Lake Michigan by way of Indianapolis to some "convenient point" on the Ohio River, and also authorized the Assembly to sell the land granted by the Indians for the road and use the proceeds for its construction. *Ante,* 147n-48n, 179n-80n; *post,* 341-42.

The act relating to the canal granted to the state of Indiana for canal construction, with certain reservations, "a quantity of land equal to one half of five sections in width, on each side of said canal, and reserving each alternate section to the United States, to be selected by the commissioner of the land office . . . from one end thereof to the other; . . . the said lands . . . [to] be subject to the disposal of the legislature of said state. . . ."

A tract of land, five miles in width, and in length the whole distance of a survey now making by a brigade of United States' engineers, commencing at the mouth of Tippecanoe river, and running northeast along the valley of the Wabash and its tributaries, to Fort Wayne; thence down the Maumee of the Lake, to the mouth of the Auglaize river, or lower, a distance of about one hundred and sixty miles, is granted to this state for the purpose of making a *Canal,* to connect the waters of the Wabash with Lake Erie—and the Miami treaty provides for its location through *all* the Indian reservations. Another tract of land has been obtained by treaty with the Potowatamie Indians, during the fall of 1826, and since ratified by the Senate, equal to one section of *good land,* for each mile of the *whole* distance, from Lake Michigan to some convenient point on the Ohio river, *to make a turnpike road.* These two grants are placed under the absolute control of the Indiana Legislature, for the purposes above mentioned. The road grant is without condition. The canal grant, though subject to certain conditions presents nothing in them that ought reasonably to make your body hesitate to adopt that course, which will most certainly secure it from the contingencies, which the lapse of time, unimproved, must attach to it.

Since the recent survey and examination of this long contemplated line of internal communication, to connect the waters of the Lakes and the Wabash leave no doubt of its practicability; and it being in our power to avail ourselves of the splendid donation which has been proffered to us by the liberal hand of the General Government, the success of such a very valuable facility, should not be looked upon as any longer problem[at]ical. By a letter from Mr. Moore the engineer, engaged in this business, which will be submitted, you will perceive that the whole of this survey, will not be completed this fall, in consequence of sickness. The distance from the *summit* near Fort Wayne to the mouth of the Tippecanoe river, that part of the survey which is completed, is one hundred and three and an half miles. The lockage, two hundred and twenty two feet.

This may be all the estimate we shall have before us at this session. No data is furnished as to the cost. But, most of the enterprizes for inland navigation in the U. S. finding their origin in the New York Canals, we may look to their successful execution and demonstrated utility, for information and reasons to sustain us in making the adventure, which we are now called upon imperiously to make. Estimates of Canals have been made for a variety of widths and depths, and on almost every kind of surface, both in Europe and in America; so that the Legislator may form an idea of the expense of almost any imaginary route. The profits of Canal stocks, judiciously invested in England, doubtlessly suggested to the Americans, the transportation of whose products constitute their greatest burthen, the idea of a similar policy. In deciding upon these great undertakings, it will not do to test them by a too penurious calculation of dollars and cents. Should the expense of our Wabash Canal exceed a million of dollars, it must be recollected, that we have under our controul means to that amount. If the profits of the Canal, when finished, shall produce the interest of whatever additional sum is required, and enough besides to extinguish that principal gradually, the credit of the state must remain unshaken by a loan. It is said by the most confidential writers, that all of the three hundred British Canals, have given satisfaction to the public and the stockholders. Ought we not then to seize upon this opportunity to furnish a memorable demonstration, that we know when and how to act for the general welfare when the occasion demands it? Prompt and descicive steps toward the commencement of this work on your part, will furnish the most unequivocal evidence, that you are not indifferent to the great *agricultural, manufacturing and commercial interests* which constitute the bone and sinew of society. Public men must be brave, and not suffer intimidation by the *probable* consequences that may arise out of "the chapter of accidents."

If you conclude to accept of this grant, as you certainly ought, the principal question which must next arise, will be: When and how shall it be disposed of? How appropriated, and to what objects?[3]

The first proposition resolves into two others, as follows: Is it better to sell the land now, or at a subsequent time? Shall it be sold for cash in hand or on a credit? After examining this subject carefully, I have become satisfied that it would be impolitic to require a sale of these lands, at any period prior to the completion of whatever improvement may be agreed upon. And that when the auspicious time arrives for selling, that the door to future difficulties should be closed, by requiring prompt payment. Were you to authorize a sale on a credit, before the Canal is completed, with the view of raising the necessary means, many years must elapse, and much of the peoples money will be expended, in legislating on relief applications, in addition to the expense of a land office, before a fund will be raised, adequate to the proposed undertaking. Besides, retarding the work, is jeopardizing the grant, for the time is limited for its completion. Were you to offer the land for ready money, it would be inevitably subjected to a wasteful sacrifice; so great, in all probability, as to defeat the project altogether, by its not producing the sum of money *required or expected*. Hence, it follows, that a loan, should be resorted to as the least doubtful expedient, or, if that would not be acceptable, you might authorize an issue of paper, redeemable in the land at a minimum price, after it shall have been offered for sale.[4]

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[3] The General Assembly passed an act "to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie," in which they accepted the grant of land made to the state by Congress and provided for a board of three canal commissioners to be selected by the General Assembly. The act outlined the duties of the board which included locating the canal and selecting the donated lands, obtaining estimates of construction, and making a complete record of their proceedings. *Laws of Indiana*, 1827-28, pp. 10-12. Commissioners elected by the Assembly were Samuel Hanna, Robert John, and David Burr.

When it is considered, that this land lies upon each side of the proposed Canal, you surely cannot remain long unpenetrated with the belief, that the difference in the amount of sales *before* and *after* its completion, will not greatly exceed any sum of interest, which may accrue on a borrowed principal. Interest ought not to be paid more than two years, which would be ten per centum on a given sum, whilst the presumption is strong, that the land would be increased in value, by the commercial advantages which would append to it, at the finishing of the work, more than an hundred per cent. The most solemn acts of legislation, will not supply the place of imposing reality; for the alarming idea of uncertainty will have its influence until active operations are commenced on the channel.

The treasury is the proper depository of the public money, requiring an additional bond of its officer. No question, however, can now arise, as to the safe keeping of the *proceed*, except you dispose of the land very differently, from what I believe you will.

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[4] The ways and means committee of the Senate, to whom was referred this part of the Governor's message relating to a loan to finance the project, reported that in their opinion it was inexpedient to authorize a loan for internal improvements at this time. Indiana *Senate Journal,* 1827-28, pp. 49-50.

The object to which the proceeds of the said land *must* be appropriated, according to the terms of the act of Congress making the cession to the state, *is a canal.* Whether this gratuity can be made by the best management, to produce a fund equal to the estimate for a Canal, is very uncertain. If the act had given to the state the privilege, to make use of the land, to construct either a Railway or a Canal, it could not be questioned that it would be altogether adequate to the finishing of one, though it might fall short as to the other. Railways, are rapidly bearing away the palm of usefulness, from actual experiment, from all other commercial facilities. In latitudes as far north as the valley of the Wabash, their equal utility at least, may be fully illustrated. Their cost for the same distances, and constructed on the same natural surface, would be, in this country, about half that of a Canal. Equal burdens to any that can be asported on a Canal may be transported on them, and with *double* the velocity of which the former is susceptible. During the season at which a Canal is closed up with ice, the Railway is fit for use. The Canal is often the harbinger of disease, engendered by the frequent overcharges of water, that escapes and forms reservoirs, and there becomes a stagnant pool; whilst Railways, are exempt from this disadvantage. There being perishable materials in both, the one is not perhaps more apt to get out of repair than the other. Freight being proportioned to the cost, would be less on the Railway than the Canal. In connecting seas, lakes or rivers near the tropics, Canals may claim the pre-eminency; but to unite streams which are themselves only a part of the year navigable, the Railway appears to possess much consistency. A Railway would do the whole business—a Canal *could* do no more. The former would bring as much money into the treasury as the latter. It is said that Congress would not hesitate upon your memorial, to change the act, so as to enable you to adopt the railway, if thought most expedient. Suppose that the grant of land can be made worth a million of dollars: this sum will not make a canal on the late location, but seven hundred thousand dollars will make a railway on it; leaving a surplus of three hundred thousand dollars for some other object. This sum laid out for the construction of another railway, in some populous part of the state, would complete an additional line of seventy miles. If this sum should be appropriated, with a view of enriching the treasury, it is believed that there is no part of Indiana, where it could be more advantageously expended, than in the White Water country, to make a railway from Lawrenceburgh, on the bank of the Ohio river to a point on the national road, in Wayne county, and as much farther north as the means will carry it, toward Fort Wayne. Whether such improvements are viewed with reference to the markets, which they aim to make accessible to the people, or with reference to the revenue which they would secure to the treasury, they are thought equal to any other in importance. Were this fund thus appropriated, our inhabitants would soon be released from the payment of taxes, for the support of the state government. Three per cent. on the capital invested, would bring into the treasury a sum equal to the revenue of the present year raised from the people of Indiana.

Were you to conclude that railways are preferable to canals, and not be disposed to appropriate the surplus remaining, after making one from the Wabash to the Lakes, that sum might be advantageously applied, if not prohibited by Congress, to the improvement of the various state roads, now discouraging to the traveller, in certain seasons. It is not my intention, by these remarks, to recommend to you that steps *ought* to be taken, to change the Wabash canal into a railway; but merely to lay the subject, connected with a few remarks, before you for your consideration, *at the special* request of many distinguished citizens of Indiana. No one can be more fully impressed with the belief, than myself, that there exists an obligation upon us to take some prudent step to construct the best work, on the survey now in progress, which will afford an outlet for the *bread* and meat of Indiana, to the northern lakes: and in order that we may determine wisely, what is best calculated to answer the common object we have in view, the *advantages* and *disadvantages* of both these facilities may with propriety, be compared. Our object must be to produce the greatest possible good, with the least possible inconvenience. Whatever will carry the flour, pork, beef, potatoes, and other productions of our soil to a good market, with the most expedition and the smallest expense, as well as most safely and securely; and return those articles of merchandise which the people must and will have, in the same manner, is what is wanted. If, however, you prefer a Canal, as is most generally and reasonably supposed you will, I will cheerfully devote a portion of my time and services, in co-operation with you, for the furtherance of this project, which has long since had my approbation.[5]

Whatever has been said, as to the course which suggests itself to me as the proper one, with respect to the canal grant, in relation to sale and loan, will apply to the cession to make the Potawatamie road. No pledges which you can give beforehand, will make the land near this road, sell like the finished thoroughfare itself. If my conceptions of the policy are approved of, as the best in the *one* case, they are equally deserving in the other. You will, no doubt, organize a board of commissioners, to be appointed, composed of respectable men, to make the selection of the land ceded for the said road, so soon as it may be surveyed. Provided the present General Assembly fail to make a point on the Ohio river, at which the road shall terminate, the same board, composed of well qualified citizens, might be authorized, by law to perform this difficult duty, as well as to employ an engineer and surveyor, and make the location to the Lake.[6]

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[5] Ray's arguments for railways over canals received no approval in those days when canals were being boomed. The Senate committee which considered this part of the Governor's message concluded "that every consideration of usefulness, practicability, durability, and economy, point to canals, and render it obviously inexpedient to waste time upon the subject of railways," and added that any diversion or change in regard to the offer of the Federal government for a canal "would not be either wise or politic." Indiana *Senate Journal*, 1827-28, p. 77.

While the Richmond *Public Leger* agreed on the whole that "Rail Roads are preferable to Canals," they objected to Ray's "utopian projects." They declared railroads "had taken the Governor's fancy." "Instead of the once trumpeted *Whitewater Canal*, we are now to be blessed with the wind-work of a Rail Road to Lawrenceburg." The anti-Ray *Leger* accused the Governor of seizing the opportunity offered by his annual message "to publish many of the undigested views of an incomprehensive mind." Issue of December 15, 1827.

A provision in the law, authorizing the board to take such donations as might be offered, into consideration, might be productive of some good, by increasing the capital stock which may be created. Some newspaper essays have appeared, suggesting the propriety of applying to Congress for an additional grant of land, sufficient to make this a railway, upon a cheap and improved plan, which is at least worthy of your notice. I believe, however, that no utopian scheme which may be brought forward, will find advocates, tending to delay the commencement of the road. Contracts for finishing it, ought not to extend beyond a year, from the time they are entered into; and then let the land be brought into market, to put a period to the payment of interest. Labor enough can be commanded; it is not supposed that any unnecessary delay will take place. It has been said, that contracts might be entered into for the land itself, yet this would be a doubtful policy; but by no means the worst which might be adopted.

It is by virtue of that power exercised by Congress, delegated by several express provisions in the Constitution, and sanctioned by the Administration of the General Government, to appropriate a portion of the National Treasury, or its sources, to make internal improvements, that this young state has been so *suddenly* placed upon that elevated ground it now occupies, as to ability, to become one of the first stars in the confederacy. And it is strange, that the exercise of a power, in the general dispensation of its blessings, so *just, general and equal,* and as necessary to the national wealth and name and prosperity, as light is to the material world, should meet with the formidable opposition that is arrayed against it. It is somewhat unaccountable that it is so. Is it because the Western and Northern states, by their masterly policy, are leaving their Southern sisters far in the rear, in their march to power? Is it because the *literal construction phalanx,* wish to scatter the public treasury within particular *tide water limits,* to the exclusion of the grain growing states? Do the rays of a southern sun, give that peculiar energy to the intellect, which enable the politicians within particular geographical lines, to take the only correct view of the Constitution? With them, the construction of a light-house is a regulation of commerce; or the gradual increase of the Navy and the erection of expensive harbours, along the sea coast, are provisions for the national defence; but roads and canals running into the interior, though the exchange of exchangeable commodities are greatly multiplied thereby, is neither. Suppose that the Western states were to submit passively to this new construction of the Constitution, or that it should succeed in becoming the rule by which Congressional legislation is hereafter to be governed, may not the inquiry be *gravely* made, of what use will the National Treasury be to them, or one half of the states?

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[6] The legislature passed an act for surveying and marking the road from Lake Michigan to Indianapolis. The terminus of the road on the Ohio caused considerable debate in the two houses—sectional feelings ran high—and no decision was reached during this session. See *post*, 377n, 454n, for future action. The act appointed three road commissioners and ordered them to survey the road from the lake to the capital and deposit a plat of the survey in the office of the secretary of state. The act also requested the Governor to find out from the secretary of war in what manner the state of Indiana should take possession of the land granted by the treaty (*ante*, 147n-48n) for the location and construction of the road. *Laws of Indiana*, 1827-28, pp. 87-89. See *post*, 336-37, 341-42, for this correspondence and *post*, 337-38, for the Governor's proclamation convening the road commissioners.

Seven or eight years hence, peace preserved, when the national debt shall have been extinguished, and there are a surplus of fifteen or twenty millions of dollars, to be disposed of, under the several powers in the federal charter, if this power is not sustained, how are these states to claim their just proportion from the Treasury? No other power can be found in that sacred instrument, which will authorize beneficial legislation for these states. We have no seaboard, consequently cannot obtain the passage of bills by virtue of the conceded powers. Yielding up this vital principle to this country, if a

Western member introduces a bill for a road or a canal, he will be at once told that it is unconstitutional. Let us not treat this subject with indifference. *To give up this power, is to break the staff into pieces which supports us.*

Furthermore, it is believed, that we shall not be unmindful of the acknowledged maxim, that labor, and not our gold and silver or estates, constitute our wealth. This admitted, we shall not cease to venerate that course of conduct, wheresoever found, in public men, which is best calculated to call into requisition the greatest quantity of productive industry. To do this, encouragement ought to be given to every department of labor, and to none more so, than the enterprising manufacturer, on account of his risque, and his capital employed. The citizens of that country, who cannot exchange the productions of their labor, for all their needful luxuries and necessaries, are surely retrograding from national wealth. If this is our condition, let us at once begin to manufacture our necessaries, and abandon our luxuries. If the staple commodities of the country will not command our clothing, and other articles we need, the sooner we exchange our taste, and make at home what we want, the better. If it is true, as your intelligence will inform you, that England furnishes us with clothing, and refuses our bread and meat, depend upon it the balance of trade is against us.[7]

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[7] This portion of Ray's message reflects the increasingly significant role national politics were coming to play in state political line-ups. Party lines were being drawn nationally between the pro-Administration and pro-Jackson forces, between the tariff and anti-tariff men. The Senate resolution which requested the Governor to write to Andrew Jackson on the tariff question (*post,* 319) is one evidence of this, as is the joint resolution on the subject of tariff and internal improvements in which, after strong advocation of protection, the Assembly resolved that "our senators in Congress be instructed, and our Representatives specially requested, to use every reasonable effort, to restrain the importation of hemp, raw wool and woolens, and to afford full and ample protection, and encouragement to all articles of American growth and manufacture, and to give their united aid and co-operation to those of our sister states, who encourage a national system of domestic manufactures and internal improvements." *Laws of Indiana,* 1827-28, pp. 143-44.

The opponents in the Assembly of high tariff and internal improve-

Stricklands' Reports, which the last legislature required to be subscribed for, have been received. To the friends of internal improvement, I must be permitted to recommend a careful perusal of this intelligent book. The principles and utility of Railways, Canals, Turnpike roads, &c. with the whole plan

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ments (the Jackson faction) were in a minority, but they were not silenced. Protests against the above resolution were entered on both the House and Senate Journals. In the Senate Israel T. Canby, Ross Smiley, Thomas Givens, and John Milroy stated that they were "the warm and decided friends of domestic manufactures and internal improvements," but that they considered the resolution "a direct censure of the conduct of our Representatives in Congress who voted against the woolens bill of last session—a measure partial in its provisions, and unjust in its operation on the western county. . . ." "The undersigned firmly believe," they continued, "that any attempt by the Legislature, under any circumstances, to influence public opinion in relation to the Presidential election in favor of any candidate, would be improper. . . . The undersigned depricate the spirit of the last clause of the resolution, in their opinion but too well calculated to engender sectional animosities, and array state against state." Indiana *Senate Journal*, 1827-28, pp. 63-64. This protest received from James Rariden a quick reply to the effect that it was prompted by purely political motives.

The House protest was signed by Samuel Judah, William Marshall, John M. Lemon, Joseph Work, William Lewis, and Eliphalet Allen. They first protested instructing Congress on subjects of general or national, not local, nature, and regarded the resolution as neither politic nor wise. Their point of view was decidedly local: "The undersigned consider it the duty of the General Government 'to extend equal protection to all the great interests of the nation;' and they consider manufactures one of the most important: But they are the representatives of the farmers, the mechanics, the laborers of Indiana. . . . The people of Indiana are interested in the restriction of the importation of the articles specified in the joint resolution; but they have a much more particular and immediate interest in the exclusion, or at least restriction of the importation of foreign distilled spirits, of which in the year 1825, more than five million gallons were imported, sufficient to consume in the production of an equivalent quantity of whiskey, more than two million of bushels of corn, the grand staple of Indiana, and now a drug for the want of a market." These men were "friends and advocates of internal improvements," but they could not consent "even for the furtherance of the most beneficial measures, to excite sectional feelings, engender sectional animosities, and array state against state." Indiana *House Journal*, 1827-28, pp. 412-13.

Samuel Judah went a little further in his statement to his constituents following the session. He believed the resolution aimed at "censoring the votes of Jonathan Jennings and Ratliff Boon. . . . on the woollens bill, of formation, and the machinery used, are therein satisfactorily developed. An investigation of this subject, must awaken and animate you, to labor for the construction of those vital arteries through which public wealth and individual property must flow.[8]

Whether the General Government ought to yield up its sovereignty over the public lands remaining unsold within the limits of the states, is a question which has undergone able discussion in Congress, and in state Legislatures; and has been noticed in an appropriate manner, by several of the state Executives. Whilst the general sentiment is collecting on so momentous a question to the west, the voice of Indiana should not remain unheard. The history of the American government and her legislation in relation to the public lands, furnish undoubted evidence, that it would not only be *just,* but *wise,* to yield up the public domain to the States, either for *general* or *special* purposes. It would be *just,* because each state ought to be placed on an equal footing, and the original states exercised sovereignty over the unappropriated lands within *their* boundaries, and deposited the proceeds within their Treasuries. It would be *wise,* because the expense of buying, surveying and selling the lands, and the legislation concerning them, reduce their value to an inconsiderable amount, at the Treasury. Nine tenths of the revenue are derived from duties on imports, and the public lands produce no more than about a twentieth part of the twenty odd millions of dollars, which

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and of influencing public opinion upon the presidential election." In my opinion, Judah wrote, "The legislature of the state had no business whatever with these matters. . . . But above all many of the representatives who formed the administration majority—were elected by the friends of General Jackson, & represented counties decidedly Jacksonian. . . . I am opposed to chaining the state to the politicks of any party—whether eastern or southern—and think the west should stand up for its own rights. . . . I cannot consent to tax coarse cloths worn by the poor, and exempt the fine cloths worn by the rich, merely to encourage eastern manufactures. . . . The agriculture of the west requires support as much as the manufacturers of the east." Vincennes *Western Sun & General Advertiser,* February 2, 1828.

[8] The Assembly passed a joint resolution to provide the commissioners of the Wabash and Miami Canal with a copy of Strickland's report.

annually arrive at the United States Treasury. Were the United States to relinquish to each state the quantity of land in it, for the purposes of *free schools* and *internal improvements,* in the state where the lands lie, the power which would be created by the intelligence such potent means would diffuse amongst all classes, and the works of art which would rise in majesty every where, would prove a better defence to the Union, in an hour of struggle, than an hundred thousand armed soldiers. This plan failing the scale of depreciation should be applied. Lands remaining unsold after being offered, should be annually reduced in price, to the purchasers, under the true presumption that the best lands are first taken. Lands remaining unsold for a sufficient term of time, should then be given to the actual settler, after remaining on them for a definite period.— There are millions of acres in this state, that will not be sold for an age at the present rates, and not liable to taxation; but which would be occupied by the poor as a gift, in preference to tenancy. The government being composed of the people in it, will be strong and effective in proportion to the number of freeholders it contains. Where the citizen, the soldier and the land owner are combined in the same person, you will find him defending his pass against the encroachments of an enemy like Leonidas at Thermopolae.[9]

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[9] The House committee which considered this part of the Governor's message reported at some length, going back to the cession to the General government of the western lands by the original states, coming down to the Constitution of Indiana, and concluding with the following resolution: "That the eminent domains and right of soil to the unappropriated lands within her [Indiana's] boundaries are inseparable from her sovereignty, and cannot be alienated or justly and legally withheld without the consent of her sovereign power constitutionally expressed; that according to the reservations and conditions of the act of cession by the state of Virginia, of the Northwestern Territory, to the United States, approved December 20, 1783, and of December 30, 1788, the 5th article of the ordinance, and the Constitution of the United States, the State of Indiana has a right to the soil and eminent domain of all the unappropriated lands within her prescribed limits.

"Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the United States to relinquish to the state of Indiana all the right and

Many views are taken with respect to the situation of the *sold* unpatented lands. Nearly all agree, that something should be done to avert the unjust and unhappy consequences which must result in time from a continuance of the present arrangement. The amount of debt due for public lands in the Western country, is truly discouraging, and evidently out measures the ability of the people to discharge it. It cannot be denied but what the government has indulged the purchaser already, by giving time, to the advantage of many; but there are thousands who have taken advantage of the tendered credit, who still are unable to comply with its conditions. The same liberal sentiment, which has once given an extension of credit to land debtors, will surely take delight in a repetition of the good deed, if actual necessity demands it. And I have yet to hear the reason advanced, to justify the United States, acting on the principles of moral honesty, in ever receiving another forfeiture of the lands sold, for want of payment, which have been taken possession of by the actual settler.[10] Reasons also less

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title which they have heretofore been supposed to have in their soil and eminent domain of the unappropriated land within her boundaries."

The resolution was tabled on second reading. Indiana *House Journal*, 1827-28, pp. 207-15, 227.

The following legislature (1828-29) did pass such a joint resolution, the second paragraph of which read, "That our senators in congress be instructed, and our representatives requested, to use every exertion in their power, by reason and argument, to induce the United States, to acknowledge the vested right of the state, and place her upon an equal footing with the original states in every respect whatsoever, as well in fact as in name." Copies of the resolution were sent to the governors of Ohio, Illinois, Missouri, Mississippi, Louisiana, and Alabama. *Laws of Indiana*, 1828-29, pp. 152-53. The lengthy report of the House committee reporting the joint resolution is given in Indianapolis *Indiana Journal*, January 10, 1829. Some of the debate on the subject is given in *ibid.*, January 31, February 5, 12, 19, and 26, 1829. William Hendricks proposed in the U. S. Senate that the Federal government inquire into the expediency of ceding and relinquishing the public lands within the new states to the several states in which they lay. See his speech on the subject December 20, 1827, in *Congressional Debates*, 20 Congress, 1 session, 4:pt. 1:15-17; 2d session, 5:58-59. Senator Noble spoke in opposition, for which he was criticized by Governor Ray. *Ibid.*, 20 Congress, 2 session, 5:59; *post*, 479 and note, 523-33.

[10] The General Assembly passed a joint resolution relative to the pur-

cogent, may be offered why forfeitures should not be exacted of any class of purchasers. The entries of those very lands, which now stand on the relief list, were made at a time when the whole monied concerns of the continent were a splendid delusion. These things took place in the *paper age,* when the country was literally inundated with a ficticious circulating medium, which every state in the Union contributed more or less to put into circulation. Forty odd Banks were incorporated in some states, at a single session of their Assemblies; and bank bills were flying through the land, like locusts of olden time. All who wished, could handle enough of them to enter one or more quarter sections of land, not looking for a failure in the paper, or a change of times. The United States, too, contributed their share largely at first, to give credit to this currency, by making it receivable at their land offices. Many thousand quarter sections were entered, with that bank paper, which are now unpaid for. When the Banks failed, the govern-

chase of the public land, seeking the passage of a Federal law to extend the time of payment on all lands now forfeited or liable to forfeiture, and to authorize each and every purchaser, whose lands had been either forfeited or were liable to forfeiture, to redeem the same on making prompt payment therefor, at a price the amount of which, including forfeited payments, should not exceed the minimum price of Congress lands; and also to give to every purchaser and occupant of Congress lands, who had made one or more payments and whose lands had been forfeited or relinquished, or which were liable to forfeiture, a privilege in the nature of a right of pre-emption for [blank] years, to re-purchase the same, or other lands of equal value, at a sum which, added to his former payments, should make the amount per acre, not to exceed the minimum price of Congress lands, and that in the interim, and before government had disposed of the same, every purchaser who had improved his lands, without completing the payments, should have the privilege of occupying the same, and enjoying the proceeds thereof. *Laws of Indiana,* 1827-28, pp. 140-42. An act for the relief of purchasers of public lands whose holdings had reverted for non-payment of the purchase money was passed by Congress on May 23, 1828, but it did not embody the suggestions of the Indiana resolution. U. S. *Statutes at Large,* 4:286-88. A list of acts for relief of purchasers is given in *ibid.,* 4:259n.

The next Assembly (1828-29) passed another joint resolution seeking further relief for those land purchasers who had made payments and improvements on their lands but who had had to forfeit them or were likely to have to do so. *Laws of Indiana,* 1828-29, pp. 150-51.

ment stopped the receipt of their paper for land and demanded specie or its equivalent. The war also, connected with the Banks, left upon the people a spell, from which they did not recover for years afterwards.

Markets were then good, and prices for the productions of the soil were high. Every thing combined to make the citizen fix a false estimate upon real estate. But the picture is now turned. We have no armies to feed. The great mass of our population have become agriculturalists. Production greatly exceeds consumption. There are no extraordinary armies in Europe to supply. And the staples of our country, *bread* and *meat* are excluded therefrom by prohibitions and restrictions. The inhabitants of the cities of the two Americas, and the manufactories of the northern, are the principal consumers.—These very land debtors, have also, been the pioneers of a country unimproved by roads and canals, and have been subjected to continuous risks, sacrifices and expenses, to convert their labor into money. They have by their prowess forced the savage to bury the tomahawk, and confronted danger and difficulty in all their most distressing forms; and have opened the path which now conducts the steps of the emigrant, in quiet and safety, into the Egypt of America. A flourishing and rival neighbor, the Mexican Government, is also offering her lands to actual settlers, distinguishing not between alien or denizen.—These considerations with many other reasons, which might be urged, ought forever to banish from the councils of our country, the idea of taking the poor man's home, with the labor of his better days, as a forfeiture, for no other crime than that of penury. Congress may at once get rid of this troublesome subject by an effectual display of that magnanimity, which has always characterized that body. In all cases where eighty dollars have been paid as the entrance money of a quarter section, let them order a patent to issue for eighty acres of land. Two payments at this rate, would entitle the holder of a certificate to a quarter section. It does appear forcibly, that the circumstances under which the unpaid for lands were purchased, justice and policy all concur in requiring that much, at least at the hands of the General Government. If you think with me, speak to the Nation your sentiments on these matters.

The Surveyor General has just completed the survey of the boundary line between this state and the Territory of Michigan, according to an act of the last Congress,[11] to the full extent of our claims. The boundary is fixed ten miles north of the southern extreme of Lake Michigan, giving to Indiana, upwards of fifty miles of territory bordering on it.

A communication which I have in my possession, from Col. Bomford, of the Engineer Department, at Pittsburgh, shews that this state has received arms and equipments, equal to eighty four muskets *more* than her returns entitle her. It may here be proper to observe, that, that Department has given me notice, that no one but the Executive of the state, is hereafter authorized to draw and receipt for our quota of arms, &c.[12]

Due attention has not been paid to making returns to the state Adjutant General's office by militia officers, which has kept our quota of Arms below our real strength. And the last General Assembly, inadvertently repealed the muster at which it was the duty of Company officers to make their returns, which occasions an additional cause of failure for this year. If the Commander in Chief, or the Adjutant General, were authorized to make the Annual return according to the best information they could acquire we would not, in future, suffer the usual loss of arms.[13]

Though a well organized militia is the strong arm of the National defence and the shield of our liberty, but little state

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[11] Act of March 2, 1827. U. S. *Statutes at Large,* 4:236-37. See *ante,* 174-75n, and below, 306-8.

[12] See below, 309.

[13] *Laws of Indiana,* 1826-27, pp. 39-40. The Assembly passed an act to amend the militia act with provisions: (1) for ascertaining the number of public arms held by the Indiana militia; (2) for the better collection of fines; (3) for the Governor to receive and distribute Indiana's quota of arms; (4) for publishing the militia laws; (5) and for regimental musters to be held in October and on the second Saturday in April, at the latter of which the strength of each and every county was to be ascertained. *Ibid.,* 1827-28, pp. 58-61.

Legislation has taken place respecting it, under the conviction that Congress is the proper body to build up an effective and general system for its discipline and government. That body has this power expressly given to it by the Constitution, reserving to the states the right of appointing *all* the officers and the authority of training. A sage maxim that uniformity, is the glory of this system, induced this delegation of power to the Federal Legislature. The Secretary of War, in obedience to an act of Congress, has been diligently arranging a system of tactics, predicated upon the public sentiment, and most congenial to our institutions, which an extensive correspondence has made quite manifest. The most important feature in this new system is, that which proposes to divide the militia into two classes, *active* and *sedentary*.

Experience has tested the fallacy of requiring the whole body of the militia in the United States, to perform actual services each year. And the two hundred thousand dollars, which are annually appropriated for arming and equipping the militia of the states, will never accomplish the design of its expenditure, for the increase of *militia men* far exceeds the number of persons furnished annually. This system proposes to raise a volunteer corps, in each state, in proportion to its population, who are to be armed and equipped completely. By this means but a small number, compared to the whole body of the militia, will be enrolled for actual service, and *none* but those who take a pride in serving their country, in arms. The sedentary will be called into service, if required, in times of trouble. Such an arrangement, will leave the *active Militia* without excuse in the performance of their duty, and will enable us to present a line, in the day of battle, which will be as terrible, in appearance, as it will be *willing* to handle the instruments of War. As a consequence, the *consciencious,* will be exempt in times of peace from duty, penalties, or equivalents, the active corps being voluntary. This bears no similitude to a standing army, for the soldier is a local citizen, and the officer is appointed by the authority of the states; and no change is effected in the domicil of either. A "Military Chieftain," can neither command or corrupt it. It is expected that the officers and soldiers in the *active* militia will be paid for the few days they are in service, learning their duty, each year, and provisions furnished them with tents and camp equippage.

The cost of a military establishment, like the above, is thought to be the least expensive of any other. You will no doubt notice the letter of the Secretary of War, on this subject, to be found among the unfinished business of the last session, in a proper manner.[14]

The board of visitors to the Bloomington Seminary, sat there, for the first time, on the first Thursday of the last month. They witnessed with special satisfaction the examination of the students, in the various branches of science and literature, to which their attention had been devoted by their able instructors. The proficiency to which many scholars had attained in the Latin and Greek languages, and in the Mathematics, presented both students and professors in the most favorable light. That portion of Seminary lands, which was sold in Monroe and Gibson counties, brought a fair price, producing near thirty thousand dollars. The interest upon this sum, together with the amount due the institution from the state, will produce an interest of two thousand dollars for its support. All unite in supposing, that the interest on the fund is now sufficient to justify the institution in taking the rank of a college, and to employ a President and other Professors; leaving a sum to be appropriated, each year, to purchase a library and apparatus. Your body is respectfully requested to give the institution a college charter. When all this shall have been accomplished, but little doubt is entertained, that the youth of Indiana can obtain their education at home, without performing an unnatural journey to another state for it. Proper regulations will follow, as a matter of course, so as to enable the poor to enjoy its advantages, as well as the rich.[15]

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[14] Ray probably refers to the circular letter of Secretary of War Barbour, dated July 11, 1826, which he answered on November 20, 1826. See above.

[15] The report of the visitors is given in the Indiana *House Journal,*

You are again earnestly requested to proportion punishment to crime, more justly than the existing penal code demands. I must suggest the propriety of no one being punished, by imprisonment in the penitentiary, unless the nature of the offence would require a term of service not less than three years. A distinction between grand and petit larceny, especially, should be drawn.[16] With an expectation that something would be done by this General Assembly, in this particular, no permanent contract has been made with a superintendent of the prison, for its future management. This improvement in the criminal code, will enable the Governor to make a contract much more advantageous to the state, than he can if it remains in its present state. A committee was authorized, during the past summer to examine the penitentiary, and to inquire into its management, who performed their duty, and transmitted to me their report; which will be laid before you, together with a temporary contract with Col. Westover.[17]

1827-28, pp. 64-65. The board consisted of Governor Ray, James Scott, Reuben W. Nelson, Samuel Hall, and Samuel Merrill. The report coincided with Ray's favorable comment. It recommended "the propriety of giving collegiate powers to the institution at Bloomington," which recommendation was carried out. *Laws of Indiana,* 1827-28, pp. 115-19.

[16] A house bill relative to crime and punishment passed the Senate with amendments, but the House failed to concur and no agreement was reached. Indiana *Senate Journal,* 1827-28, pp. 136, 137, 140, 144-45, 149-50, 166.

[17] Ira Westover. The report of the visitors John Milroy and Henry S. Handy has not been found, but there is an informative report in the *House Journal* (1827-28, pp. 221-22) from the committee on the state prison, which concluded that the prison was in good order when examined. In August the Governor instructed the Secretary of State to make a temporary contract with Ira Westover "for keeping the convicts until the expiration of the said 20th of May—the said Westover receiving for his superintendency, feeding, clothing, &c. of the convicts, the proceeds of their labor." The committee also reported that shortly after this James Keigwin of Jeffersonville proposed that in return for the proceeds of the convict labor, in addition to feeding, clothing, and keeping the convicts safe, he would pay the state upwards of $500 a year. They reported that while the Governor could not take advantage of the offer, he felt that if the Assembly would so amend the criminal law as not to sentence in future any convict to the state prison for less time than two or three years he would be able to make a contract much more advantageous to the state than he had concluded with Westover.

The attention of former legislatures, have been called to the propriety of improving the navigation of the two White Rivers. The number of boats which have descended these streams in safety, loaded for New Orleans, leaves no doubt as to the propriety of paying particular attention to them, as very valuable auxiliaries to the southern trader. A few hundred dollars annually appropriated for the purpose of cutting out sawyers, and removing some piles of drift would very soon make their navigation for descending boats in common rises of water, as safe as any one could desire or expect. The White River countries are beginning to produce a considerable surplus for exportation; which make it necessary that they should not be overlooked, whilst we are improving the navigation in other parts.[18]

The permanent location of the National Road, has been completed this season, as far westward as the line dividing Indiana from Illinois. We shall look to the completion of this road with much anxiety, until it is finished. It has already occasioned the germs of towns, and farms are opening near it, upon the faith that no circumstances will occur to discontinue its progress. The passage of the bill before Congress, to removed the timber, as a preparatory step, is not less wise than politic.[19]

See *post,* 343, for notice that a new contract for operating the prison would be let, and *post,* 385.

[18] An act of this Assembly allowed $1,000 for clearing East Fork and the same amount for clearing the West Fork of White River; $2,000 for removing obstructions and improving the rapids in the Wabash, and $850 for clearing the Patoka and Blue rivers and Laughery Creek. *Laws of Indiana,* 1827-28, p. 62.

[19] This Assembly memorialized Congress on this subject as did the next one. On December 4, 1828, U. S. Representative O. H. Smith introduced a resolution in Congress "that the Committee on Roads and Canals be instructed to enquire into the expediency of reporting a bill to authorize opening the Cumberland road eighty feet wide on its present location through the state of Indiana, by the cutting off the timber, removing all obstructions, and making temporary bridges, so as to let on the travel, preparatory to turnpiking; and also, that said Committee enquire into the expediency of making an appropriation of fifty thousand [amended to read one hundred thousand] dollars for that purpose." *Congressional Debates,* 20 Congress, 2 session, 5:96. The resolution was

The fate of a memorial to Congress of the last General Assembly, to sell the school sections, is not yet determined.[20] As it is most probable that we shall not hear from it in time to act at this session, nothing will be said illustrative of that system of education which appears to be dictated by the best experience and supported by the strongest reasons; whenever this subject becomes a topic of legislation however, I hope the voice of history and the tested theories of other governments will be noted, and that particular reference may be had to the improvement of the *head,* the *heart and the body.*

At the expiration of about two years, it will be necessary either to republish the present revised code, or one on an improved plan. The demand for those on hand is great, and the number of new counties organizing, and the increase of officers, will in that time, take the few that remain. Anticipating the necessity which must arise, it is my intention to present to a future Legislature, a code of laws, both *civil* and *criminal,* for its consideration. In taking this step the responsibility and cost will be on me. If, upon examination, it is believed to be an improvement upon our present volume, after undergoing the ordeal of legislation, and consequently the strictest scrutiny, it will become law. No liberal suspicion can be entertained that my object is dictation, when it is remembered that the

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adopted. An act incorporating the points of the resolution was passed and approved March 2, 1829, but the appropriation was for only $50,000. U. S. *Statutes at Large,* 4:351-52.

[20] For the memorial to Congress see above, 183. Since Congress had not yet acted, the Assembly went as far as it could by passing an act enabling the inhabitants of the Congressional townships in the state to express their assent or dissent to the sale of the 16th section in their respective townships. The act provided for a kind of referendum in which the qualified voters could vote for sale or no sale. *Laws of Indiana,* 1827-28, pp. 112-13. In May Congress passed an act authorizing the legislature of the state to sell lands heretofore appropriated for the use of schools in the state. U. S. *Statutes at Large,* 4:298-99. The act provided that the money arising from the sale of the lands be invested in some productive funds, the proceeds forever to be applied under the direction of the legislature for the use of schools within the township and district for which they were originally reserved. It carried a proviso that no land should be sold without the consent of the inhabitants of the township.

Constitution gives this power to the Governor. He can either recommend the passage of a single law or the adoption of an entire code. Whilst attempting to execute a work of this magnitude, I would be regardless of my own reputation, the greater honor of the state, and the still greater interest of the governed, were I not to avail myself of the advice of the first talents in the state. The greatest imperfection of the existing revised code is, that it contains but little, compared to the multiplicity of useful provisions which might be incorporated in a book of its kind. Codefication commensurate with all the multifarious concerns of mankind in which is to be found a remedy for every wrong, with a practical mode prescribed for seeking redress, so as *at once* to dispense with the common law, cannot be expected. But whilst this admission is made, I must be allowed my opinion, that principles of law enough might be selected, simplified, and written in a statute book, to enable the people generally, to form a tolerable correct idea of that system of jurisprudence which controuls their actions. And if the code contains wholesome provisions, it need not be asked whether they were original or borrowed from the beautiful maxims of the common law, the civil law, the Napoleon or the Livingston codes, than the last of which will none other contribute more abundantly to swell its pages with its sage precepts. This code does immortal honor to the distinguished luminary who penned it and may, with proper modifications, be adopted by any state.[21] Should we succeed in getting a code as replete with matter as this one is, the common law of England,

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[21] The first important experiment in codification of laws was completed in Louisiana in 1808. It was the work of Moreau-Lislet and James Brown and represented an attempt to bring the French and Spanish laws which had been in force in the territory into accord with the laws and institutions of the United States. It was based on the Napoleonic Code. This digest was revised in the 1820's by Edward Livingston, Pierre Derbigny, and Moreau-Lislet, and adopted in 1825 as the Civil Code of Louisiana. Its 3,522 articles covered every conceivable phase of civil law and contained a remedy for every wrong. Livingston also compiled a criminal code for the state but this was not adopted. Albert Phelps, *Louisiana, A Record of Expansion (American Commonwealths Series,* Boston and New York, 1905), 246-47;

and the British statutes made in aid of it, which have been declared in force in this state, may be abandoned as *obligatory,* in most cases, and made use of only as authority. Or, as it is not contended that a single effort can reduce all the unwritten to written laws, so as to embrace every possible case, or that the mind of any finite creature, can grasp at enough for the infinitude of human acts, the common law might be continued in force in all cases not within the perview of the code. The advantages such a code will afford, will be, to enable the governed to know what the law is, and to have it in their power to acquire that knowledge without much trouble or expense. This is not now the case, nor will it ever be, so long as several thousand books of reports and elementary treatises must be read, to arrive at a full knowledge of the laws. A code may contain principles so epitomized, that a single sentence would give that information, relative to the common transactions of the world, which the labor of a week in books, would not so clearly establish. The presumption that no code can be suddenly made to comprehend *all* the cases which may occur in a community, as far advanced in civilization as ours, is no argument why we should not *commence* the work of self-government in *reality,* and go as far as we can, leaving the balance for posterity to do. As long as one country tamely submits to be governed by the laws and customs of another, it is not entirely free. Half a century has passed away since the declaration of our independence, and British laws still govern us. The earlier we commence shaking off this disreputable stigma upon the intelligence and capability of our countrymen, the sooner we shall be prepared to resort to the common law of England, as a body of philosophy, and hang it up only as a lamp in the land; and to resolve that no system, however grand and beautiful in all its symetry and parts, which must remain a mystery to the multitude, and as inaccessible to it as the laws of Caligula, shall be the rule by which the conduct of

William B. Hatcher, *Edward Livingston, Jeffersonian Republican and Jacksonian Democrat* (Louisiana University Press, 1940), 248-53. The Louisiana code became a model for other states.

all shall be squared. I shall hope that gentlemen of the bar will not suppose, that this attempt to promulgate the laws of the land will be aimed at their *useful* profession, or condemn its practicability until they see the book.[22]

The *sales* and *entries* of lots in the town of Indianapolis, authorized by an act of the last session, from May last up to this time, amount to twelve thousand three hundred and seventy-four dollars.[23]

The treasury is not in as good a condition as it was last year, on account of the reduction of taxes, which was authorized by the last session. The assessments of the past year, will not exceed thirty-three thousand dollars; of which it is not probable that more than twenty-seven thousand will be paid into the treasury, the balance being required for commission, delinquencies, mileage and advertising. An old balance in the treasury of $19,234, as reported to me by the treasurer on the 31st of Dec. last, added to the sum of $27,000, supposed to arrive at the treasury of this year's revenue, will make the sum of $46,234 for the service of the current year, except the amounts paid out since the said 31st of Dec. last, which the treasurer has not reported to me. The ordinary expenses of the present political year, ought not to exceed twenty-seven thousand dollars. In addition to the above, it may be expected that something will be realized from old delinquent lists. Our state debt is extinguished, except what is due the road and canal and seminary funds, which are payable at the pleasure of the state; the amount of which appeared in my last regular communication.[24]

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[22] The lengthy report of the judiciary committee of the House on the question of revision of the laws of Indiana is printed in the *House Journal,* 1827-28, pp. 414-17. No recommendations for action were made, the committee merely summing up by saying "a digested code of plain, undeniable, legal principles, founded on the morality of common sense, applied to every day transactions, might render the whole community wiser, better, more prudent, more cautious, and less litigious. Men would better be able to judge when they ought and when they ought not to go to law; they would be better jurors, better arbitrators, wiser and better citizens."

[23] For the report of the agent see above, 269-70. Benjamin I. Blythe was re-elected agent of state for Indianapolis by this Assembly. *Senate Journal,* 1827-28, p. 180; *House Journal,* 1827-28, p. 350.

The existing revenue law will produce means enough for the common purposes of government in future. The polls are rapidly increasing, and a large additional quantity of land will be added, this year, to the old source of revenue.[25]

I shall be at all times at my post, ready to co-operate with you, in any measure tending to preserve the Union of the states; public and private prosperity; the just and constitutional powers of the people; the powers of the several departments of the government free from encroachment; civil *liberty* and *equality,* with their original qualifications; the rights of private property, and the sanctity of individual contracts; the exercise of all the legitimate powers delegated to the central and national legislature at Washington; the unrelinquished rights of the states; a proper respect for the acts of those in authority, always tempered by the public sentiment—peace; the unqualified toleration of *religious* and *political* sentiment, without proscription, and the elements of that greatness to which our beloved country is destined, by the Ruler of the Universe, in her majestic march, to arrive at.

James Brown Ray

December 4th, 1827.

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[24] See treasurer's report, *post,* 300-3.

[25] A select committee in the House at this session appointed to ascertain the value of taxable property reported that the method of taxation which divided land into 1st, 2d, and 3d rate, was unequal, unjust, and inefficient, and recommended an ad valorem system as more just and beneficial. Indiana *House Journal,* 1827-28, p. 279. No action was taken on the recommendation. Following the session Samuel Judah explained to his constituents why he disapproved the ad valorem tax: "Some years hence I think it may do here, but not now. There is too much non-resident land—nor do I believe it would be right to tax improvements in a new country. . . . I would rather tax laziness than industry. I would rather tax the speculator than the industrious settler." Vincennes *Western Sun & General Advertiser,* February 2, 1828.

Treasurer's Report[1]

Treasury Department, Dec. 6, 1827.

In obedience to the directions of the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures is respectfully submitted:

Cash on hand, Dec. 1, 1826,		$5 815 55

Receipts from that time to the 1st December, 1827, inclusive—

From the assessments of 1822	$ 189 84	
" " 1823,	29 84	
" " 1824,	18 37	
" " 1826,	30,770 77	
" " 1827,	2,382 06	
Assessments by collectors, not previously reported to Auditor	100 35	
Penalty from collector of Bartholomew, for 1822	30 16	
From E. Denny, Superintendant Rock Lick	292 50	
From sales of lots in Indianapolis	3,345 49	
From Seminary lands in Monroe	7,645 00	
From sales of lands in Gibson	90 00	
From rents	62 00	
From fines on persons conscientiously scrupulous of bearing arms	344 50	
From late Treasurer	1,160 00	
Incidental payments	85 00	
		46,545 88
Total,		52,361 43

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[1] Indiana *House Journal,* 1827-28, pp. 47-50. Also in *Senate Journal,* 1827-28, pp. 34-37.

Expenditures during the period above-mentioned—

For public printing		1,408 22
For interest on treasury notes	6 54	
For interest on seminary funds paid to president of trustees of state seminary	387 81	
		394 35
For contingent expenses		216 28
For expenses of last legislature—		
Pay and mileage of members	9982 00	
Pay of clerks, doorkeepers, and sergeant at arms	1548 70	
Distributing laws and journals	142 00	
Legislative appropriations for binding books in Secretary's office, of which $20 were refunded for error, and credit in the incidental payments	267 50	
		11,940 20
For state library and librarian's salary	51 50	
Specific appropriations:		
For making tract books and copies	1144 00	
For special allowances	962 54	
	2106 54	
For stationary for last legislature	226 57	
For seat of Government:		
Agent's salary	100 00	
Balance for building the court-house	22 15	
Treasurer's per centum, for two years	51 95	
For building Governor's house	4000 00	
		4174 10

Salaries of the Adjutant and Quarter Master Generals	125 00
Salaries of the Executive Officers	2097 20
Salaries of the Judiciary	6409 81
Salaries of the circuit prosecutors	812 20
Balance of state debt to U. S. assignees of Vincennes Bank	2435 12
Treasury notes burnt	41 00
For killing wolves	51 50
To E. Denny, Superintendant of Rock Lick section	130 60
Total expenditures	$33,208 19[2]
Leaving a balance in the treasury of	$19,153 24

The following items constitute the state debt:

Due to the Seminary fund	$10,093.96	
Due to the road and canal fund	5000 00	
Interest on same	2075 00	
Outstanding warrant to A. Campbell	50 00	
Treasury notes in circulation	169 00	
Executive claims not audited	250 00	
Judiciary	875 00	
Circuit prosecutors	187 50	
		18,700 46
Making a balance in the treasury after paying all the debts of the state, of		452 78
The payments yet to be made from the assessments of 1827, may be estimated at		23500 00
From balances of former years		3000 00
Making, in all, the sum of		$26,952 78

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[2] The figures given here lack $588 of making this total sum. Comparing the treasurer's report with that of the auditor, we find that the

Esteemed to be sufficient for the ordinary expenses of the current year.

By the report of James Borland, Esq. commissioner of the seminary township in Monroe, made to this office, it appears that on the 1st of October last, there were sold of the lands of said township, one hundred and twenty-one quarter sections, for the sum of $23,003 96 1-2; of which there has been received the sum of $6,330 24 1-2, leaving unpaid, $16,173-72 [$16,673.72]. The interest paid in advance, for the sum due, is, $970 38 1-2; which sums, after deducting the commissioners' per centum, have been paid at the treasury. Respectfully submitted,

S. MERRILL

Auditor's Report[1]

AUDITOR'S OFFICE, 6th Dec. 1827.

In compliance with the requisitions of an act, concerning the Auditor of Public Accounts, and the Treasurer of State, the following report is respectfully submitted.

There was remaining in the Treasurer's hands on the 3d Dec. 1826, as per former report; provided all claims audited to that date have been paid . .	5,714 33
Since the above period to the 1st Dec. 1827, there has been received on account of balances due for the years 1822, 1823, and 1824, ...	238 05
From Collectors of Revenue, for the year 1826. . . .	30,770 77
for the year 1827. . . .	2,382 06
For unlisted lands as reported by Treasurer, ...	100 35

sum of $588 was paid for transporting convicts to the state prison. This item of expense was evidently omitted in printing the treasurer's report in the *House Journal.*

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[1] Indiana *House Journal,* 1827-28, pp. 50-52. Also in *Senate Journal,* 1827-28, pp. 37-39.

Penalty for the delay of payment by the Collector of Bartholomew county, for the year 1822,	30	16
From Superintendant of Rock Lick Section,	292	50
B. I. Blythe, agent of state, for the town of Indianapolis	3,345	49
Paymasters of the 8th, 9th, 17th, 37th, 40th, 42d and 47th Regiments, for conscientious fines,	344	50
Sale of Seminary lands in Monroe county,	7,645	00
Gibson county,	90	00
Rents,	62	00
From the late Treasurer	1,160	00
Incidental payments,	85	00
	$52,260	21

Since the above period there has been Audited on account of transporting convicts to the State Prison,	588	00
Salaries of Prosecuting Attornies,	812	20
Judiciary Department,	6,409	81
Executive Department	2,097	20
Interest on treasury notes and Seminary fund,	394	35
Expenses of the last General Assembly, including the pay of members, Clerks, Doorkeepers, Sergeant at Arms, distributing laws, and specific appropriations for State Library,	11,991	70
On account of specific appropriations,	2,333	11
Public Printing,	1,408	22
Salary of Agent of State for Indianapolis, balance due on Court House, and building Governor's House,	4,174	10
On account of salaries of Adjutant and Quarter Master General's,	125	00
Wolf scalps,	51	50
Liquidation of the debt due from the State to United States,	2,435	12
Treasury notes burnt,	41	00

Contingent expenses for the year 1827	216 28
E. Denny, Superintendant of Rock Lick Sec.	60 00
Total,	$33,137 59
Which deducted from $52,260 21, leaves a balance in the Treasury on the 1st Dec. 1827 of	$19,122 62
The assessments for all the counties in the state for the year 1827, except Delaware and Warren, amounts to	32,662 14
Of which it is estimated after deducting commissions for collecting delinquencies, &c. there will be paid into the Treasury,	26,000 00
The number of polls in all the counties in the state except the two above mentioned, and Clay, Fayette & Henry, from which the number is not returned, is	398 65

From unlisted polls and lands assessed by Collectors and returned to this office, there is from the following counties for the year 1827, the sum of to wit:

From Daviess	$ 18 14
Gibson	9 97
Floyd	6 85
Greene	1 85
Crawford	5 51
Pike	75
Knox	26 66
Sullivan	8 86
Fountain	5 62
Lawrence	69 98
Total amount returned to this office,	$154 19

An equal amount with the above may be expected to be returned from the counties which have not

yet settled with the Treasurer, which sum of revenue from this source, amounts to	308 38
Out standing balances against Collectors since the commencement of the state government, a large part of which may be considered as lost, ...	10,979 32

All of which is respectfully submitted.

Wm. H. Lilly, Aud. P. A.

Ray to the Speaker of the House, Transmitting a Communication[1]

Executive Department,
Indianapolis, December 11, 1827.

Hon. H. H. Moore, Speaker of the House of Representatives:

Sir:—I have the honor to lay before you, for the inspection of the House of Representatives, the plot of the late survey made by the Surveyor General of the northern boundary of the state of Indiana, together with his communication on that subject. As it is highly necessary that this document should be perpetuated, by the authority of the State Government of Indiana, and receive its sanction, I would respectfully recommend, that either by a joint resolution, or a law, you do approve of the survey which has been made, and now submitted, and require the same to be recorded in the office of the Secretary of State.

Very respectfully, I remain your Obedient servant,

J. Brown Ray

[Enclosure]

Surveyor General's Office,
Chillicothe, November 28, 1827.

Sir:—Herewith I transmit to you, a copy of the plat of the northern boundary line of the state of Indiana, which has been lately surveyed under my direction, in pursuance of the instructions from the Government of the United States, and conformably to the act of the Congress of the United States, entitled, "An act to authorise the President of the United States, to ascertain and designate the northern boundary of the state of Indiana," passed March 2nd, 1827.

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[1] Indiana *House Journal*, 1827-28, pp. 74, 75-76.

The survey of this line was commenced on the south eastern coast of Lake Michigan, at a point which, by a very careful and accurate survey of the coast, was found to be ten miles, due north of an east and west line, passing through the southern extremity of the said Lake; thence the north boundary of Indiana, was designated, surveyed, and marked due east, by the true meridian, and on this line, at the measure of one hundred and four miles, forty-nine chains and fifty-five links, it was intersected by a due north line from the [northwest corner of the State of Ohio, and at the][2] distance of nine miles sixty-four chains, and twenty-one links, therefrom. The Surveyor made frequent celestial observations on this line, to determine the variation of the compass, and regulated his instrument, from time to time to the true meridian.

In order to avoid any colour of ground for complaint or jealousy on either side of the state line, I thought it best to select for this service a skilful deputy Surveyor not a citizen of either Indiana or Michigan—a gentleman of this place, with whose fidelity and abilities in the profession, I have the utmost confidence. And [I trust] that in the manner in which he has executed the survey, will be satisfactory to the state of Indiana. I was apprehensive that it would have been unnecessary delay, to suspend the survey until legislative provision could be made by the state of Indiana, for sending out an agent to accompany the Surveyor. And in this case, it would have been but justice that an agent on the part of the territory of Michigan, (which will shortly be a state also,) should accompany the Surveyor likewise. This would be an useless and unnecessary expense on both sides, as in all cases the Surveyor would have to be governed solely by my instructions, which were founded upon the law authorising the survey—and which restricted the expense of the survey to five dollars per mile. It was executed for *four* dollars per mile.

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[2] Corrected from original letter in the Indiana Historical Society Library.

I am very respectfully, sir, Your obedient servant,

EDWARD TIFFIN

HIS EXCELLENCY GOVERNOR RAY.
Indianapolis, Indiana.

Ray to the Governor of Kentucky, Writ of Extradition[1]

[December 12, 1827]

James B Ray Governor of the State of Indiana to the Governor of the State of Kentucky greeting.

Whereas in the Circuit Court of the County of Monroe in this State at the term thereof holden in March in the year 1826 Nathan Baker was indicted by a grand jury of the said County of Monroe for the crime of Murder as appears by & from the Record of said Court herewith transmitted: And where as it is suggested that the said Nathan Baker lurks and secretes himself a fugitive from the justice of this state within the said state of Kentucky.[2]

Now therefore this presents are to request of your Excellency that you will cause the said Nathan Baker to be arrested and delivered to Jesse Wright Jesse Davin and Solomon Green agents appointed by me for the purpose of receiving and conveying him the said Nathan Baker to this state for trial up on the indictment aforesaid. Done at Indianapolis the 12th day of december in the Year of our Lord 1827—of

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[1] DS. IHS:Wm. H. English MSS.

[2] Baker was indicted for the murder of Moses Hicks. The crime was committed at a corn husking given by Baker at his home in Seminary Township, Monroe County. During the party a quarrel arose and Baker, with the help of two others, killed his guest Hicks. Indianapolis *Gazette,* November 22, 1825.

[Seal] the state the twelfth. In testimony whereof I have hereunto set my hand and caused to be affixed the seal of state the day and year aforesaid.

J. Brown Ray

W. W. Wick Secretary

[Addressed:] His Excy The Governor of Kentucky Frankfort

Ray to the Speaker of the House, Transmitting a Communication[1]

Executive Department
Indianapolis, December 12, 1827.

Hon. H. H. Moore, Speaker of the House of Representatives.

Sir:—Permit me through you, to lay before the House of Representatives, a communication from Col. G. Bomford,[2] together with an abstract of Arms and Military equipments, delivered to the State of Indiana, and a copy of the regulations for apportioning to the several states, such arms and equipments. Presuming that these documents will be referred to the Military committee, I must be allowed to request, that the committee may return them to me, or to the office of the Quarter Master General, when they may have inspected them. They are useful to that department.

Respectfully your obedient servant,

J. Brown Ray

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[1] Indiana *House Journal,* 1827-28, pp. 86-87.

[2] Not found.

Ray to the Speaker of the House, Transmitting Correspondence with General Land Office[1]

Executive Department,
Indianapolis, December 12, 1827.

Hon. H. H. Moore, Speaker of the House of Representatives.

Sir:—The undersigned begs leave to lay before the House of Representatives a correspondence between the Executive of Indiana and the commissioner of the General Land Office, relative to the northern boundary of this state and the line dividing Indiana from Illinois. At the date of Mr. Graham's first letter, you will perceive that he remained uninformed as to the establishment of the state line between this state and Illinois; and supposed that the Executive of Indiana might be authorised to send an agent to act in conjunction with one which the Surveyor General might appoint, to establish the boundary between this state and Michigan territory. My letter of the 10th of June last, accompanying a plat, memorandum and report of the proceedings and establishment of the said line between Indiana and Illinois, which I procured to be made and sent to the proper department, and giving the information that I was not authorised to appoint an agent, obviated all difficulty. The line has consequently been settled to the north,[2] and the lands adjoining Illinois will be surveyed.

Respectfully your obedient servant,

James B. Ray

[Enclosures]

General Land Office, April 12, 1827

Sir:—I have the honor to enclose for your information, a copy of an act of Congress, passed at the last session, for the purpose of ascertaining the boundary line between Indiana and the Territory of Michigan, together with the copy of a letter from this office to the Surveyor General, instructing him to cause said line to be run.

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[1] Indiana *House Journal*, 1827-28, pp. 103-8.

[2] For the Michigan boundary see above, 174-75n, 306-8.

Although the state of Illinois is not directly interested in the establishment of that point which may be the southern extreme of Lake Michigan, yet she is interested in that boundary line of the state of Indiana which runs due north, from a point on the Wabash to Lake Michigan, at that time not having been run and marked previous to the admission of the state of Indiana and Illinois into the Union, can now only be run and designated under the joint sanction of those states.[3] I take the liberty of mentioning this subject, because the U. S. are now experiencing and will continue to experience considerable inconvenience, in consequence of the delay in establishing this boundary between the states of Illinois and Indiana, and until it shall be established, the public lands immediately adjacent to the line, can neither be surveyed or brought into market.

With great respect, I am Your obedient servant,

Geo. Graham

His Excellency, J. Brown Ray,
Indianapolis.

General Land Office, April 12, 1827.

Sir:—I forward to-day a copy of the acts of the last session of Congress. Among them you will find one to authorise the President of the United States to ascertain and designate the northern boundary of the state of Indiana. The title of this act ought to have been to ascertain and designate the southern boundary of the Territory of Michigan.

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[3] The Indiana-Illinois boundary line was run by John Tipton and Samuel McClintoc in 1821 in accordance with acts of the legislatures of Indiana and Illinois. The Indiana Assembly at its 1819-20 session had petitioned Congress to survey and mark the boundary, and a bill was subsequently introduced and passed the U. S. Senate but was tabled in the House. *House Journal,* 1819-20, pp. 151, 224, 231; *Annals of Congress,* 16 Congress, 1 session, pp. 364, 491, 494, 598, 601, 1833, 1837, 1899. See *John Tipton Papers,* 1:244-81 n, for Tipton's unofficial journal of the survey and the report of the commissioners to the Indiana General Assembly.

The President, however, requests that you would take the necessary measures for causing the line to be surveyed, marked and designated, which divides the Territory of Michigan from the state of Indiana, agreeably to the boundaries of said state, as established by an act passed on the 19th of April, 1826 [1816].

Agreeably to the provisions of that act, the northern boundary of the state of Indiana is a line drawn due east and west, through a point which is 10 miles north of the southern extreme of Lake Michigan. This point I believe has never been established by a joint sanction of the United States and state of Indiana. It is therefore proper that you communicate with the Governor of that state on this subject, and if he be authorised or disposed to send an agent to attend the establishing and running the line, you will in that case fix upon such period for executing the same, as may entirely comport with the views of the Executive of Indiana.

A copy of this letter will be forwarded to Governor Ray.

The President requests that the expense incurred in running this line may not exceed the amount designated in the act.

With great respect, Your obedient servant,

[Geo. Graham]

Edward Tiffin, Esq. Chillicothe, Ohio.

Be it enacted, &c. That the Surveyor General, under the direction of the President of the United States, be, and he hereby is authorised and required to cause to be surveyed, marked and designated, the northern boundary line of the state of Indiana, as divides said state from the Territory of Michigan, agreeably to the boundary established by the act, entitled, "An act to enable the people of the Indiana territory, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April the 19th 1816; and to cause to be made a plat or plan of said northern boundary of the state, particularly noting the place where the boundary line intersects or touches the margin of Lake Michigan, and return the same, when made to Congress: Provided, that the whole expense of surveying and making the line shall not exceed $5 for every mile that shall actually be surveyed and marked, which shall be paid out of the monies appropriated for defraying the expense of surveying public lands, approved 2nd March, 1827.

(Copy.)

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, June 10 1827.

SIR:—Your communication of the 12th of April, 1827, together with a copy of an act of Congress, passed at the last session, for the purpose of ascertaining the boundary line between Indiana and the Territory of Michigan, and a copy of your letter of the 12th of April, aforesaid, to the Surveyor General, has been duly received and is now before me.

You seem not to be aware that the boundary line of the state of Indiana, which runs due north from a point on the Wabash river to Lake Michigan, *has been run and designated* under the joint sanction of the states of Indiana and Illinois.

As it is probable that a copy of these proceedings has not yet been filled in your office, I now take the liberty of enclosing one for your information. If this should be deemed satisfactory, I presume no further step will be necessary in relation to the boundary line between this state and Illinois, to enable the President of the United States to authorise the survey and sales of the lands of the United States, adjacent to the said line.

I have been waiting with anxiety to hear from the Surveyor General, on the subject of that part of your communication, that relates to ascertaining and designating the southern boundary of the Territory of Michigan, but have not received anything from him on that subject.[4]

The Executive of Indiana is not yet authorised to take any step towards sending an agent to attend the establishing of the said line; but the whole matter will be laid before the next General Assembly of this state, on their meeting in December next; and no doubt is entertained but that the General Assembly will authorise an agent to act in conjunction with such person as the Surveyor General may appoint to carry the intention of the said act fully into effect.

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[4] The Surveyor General wrote to Governor Ray on November 28. See above, 306-8.

I have the honor to be, very Respectfully your obedient servant,

J. BROWN RAY

GEO. GRAHAM Esq.
Commissioner of the General Land Office.

TREASURY DEPARTMENT, GENERAL LAND OFFICE,
Nov. 13, 1827.

SIR:—I have the honor to acknowledge the receipt, through the War Department, of your communication of the 10th June last, transmitting a copy of the plat of the boundary line between the states of Indiana and Illinois, with a copy of the field notes of the survey of the same. This information will be immediately communicated to the Surveyor, with a view to ascertain the fractions of the public lands on either side of the line.

I have the honor to be With great respect, Your obedient servant,

GEO. GRAHAM

HIS EXCELLENCY, J. B. RAY,
Governor of Indiana.

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, Dec. 15, 1827.

HON. H. H. MOORE, Speaker of the House of
Representatives.

SIR:—The undersigned requests you to lay before the House of Representatives, the accompanying report of a committee, appointed by the Executive of Indiana last summer, to examine into the situation of the States' Prison, in pursuance of a law; and also a contract made with the superintendent of the Prison by the agent of the Governor, to expire on the twentieth day of May next, with the annexed bond.[2]

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[1] Indiana *House Journal,* 1827-28, pp. 120-21.

It is only necessary for me to add, that as the law authorising this duty to be performed, makes no provision for the payment of the committee, it will be for your body to make such an allowance for their services and expenses as your judgment may permit.

I have the honor to be, very Respectfully, your obedient servant,

J. BROWN RAY

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT,
December 24th, 1827.

HON. JOHN H. THOMPSON, President of the Senate:

SIR: Permit me to inform the Senate, through you, that the necessity of having a private Secretary, not being recognized by the Constitution, or any law of the country, I have not been convinced, that duty required me to make such an appointment. Since I have been in office, I have done all the business required of the Executive of Indiana, in person; and expect in future to pursue that course.

In reporting the approval of bills, or any other matter, the possession of the bill or other paper from me, may be con-

[2] The report of the visitors and the contract have not been found. See above, 293-94n, for a House committee report on the prison, and below, 385, for the new contract. The visitors who inspected the prison were John Milroy and Henry S. Handy. The Assembly allowed them $22 for their services.

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[1] Indiana *Senate Journal*, 1827-28, pp. 95-96. A similar letter was addressed to the Speaker of the House. *House Journal*, 1827-28, pp. 182-83.

sidered as authorizing such individual to make that communication. When I approve of bills or joint resolutions, they are forthwith filed in the Secretary's office, whose duty, I presume it will then be, to report them to the House in which they originated.

Respectfully, your ob't. serv't.

J. B. RAY

Jared Chapman to Ray[1]

[December 29, 1827]

TO YOUR EXCELLENCY

SIR For more than one year past I have resided in that section of country recently detatched from Madison County and owing to the thinly inhabited region of this portion of country at present, and attatched to it a salubrious atmosphere, I find it insufficient at present to accumulate much from my professional calls in the science of medicine. Therefore having in my past life acquired a knowledge of the mathematics particularly the art of an practice of surveying and since my removal to this place when not otherwise engaged have receved some employment in the above art of science, and prepared at all times for the performance of the same with necessary instruments, I accordingly if conducive to your feelings solicit of your Excellency the appointment of county surveyor, As it appears the law makes it necessary that such should be for the accommodation of the people and for the encouragement of that branch of science &c. I intended to have seen you personally before this time, but owing to a sevire attack of typhus fever and not having as yet recovered from the debiletated state it left me am unable to come to Town. Before closing I must state with gratification, that from a knowledge of your political life in the different offices you have been called to fill that amidst all the clamors and invective reproaches cast upon you by those disappointed demogogues, I have remained firm in the acquiessences of your various performances, and while you pursue the course you have hitherto been guided I shall remain your faithful advocate whenever occasion requires. And may your wisdom ever proceed from Him who governs the destinies of Nations is my since desire &c. I am dear sir your most obedient servant

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[1] ALS. ISL:Archives Division, Recommendations and Appointments file.

JARED CHAPMAN

HIS EXCELLENCY J. B. RAY Decem 29th 1827

[Endorsed:] Doctr Chapman for Surveyor. Appointed—Hancock Jan. 25, 1828.

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT
INDIANAPOLIS, IND. Dec. 31st, 1827.

HON. JOHN H. THOMPSON,

SIR: Permit me to remind the Senate, through you, that the office of the Agent of State, for the town of Indianapolis, will be vacant on the 24th of January next. If your body should adjourn before that time, it will be for the Executive to make an appointment, until the next meeting of the General Assembly; unless by a law or joint resolution, you should determine to elect that officer at an earlier day than the expiration of his term.[2]

Respectfully, your ob't. serv't.

J. BROWN RAY

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[1] Indiana *Senate Journal*, 1827-28, p. 118. A similar letter was addressed to the Speaker of the House. Indiana *House Journal*, 1827-28, p. 226.

[2] Benjamin I. Blythe was re-elected. Indiana *Senate Journal*, 1827-28, p. 180; *House Journal*, 1827-28, p. 350.

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, Jan. 15, 1828.

HON. JOHN H. THOMPSON.

SIR: The undersigned feels it his duty to lay before the Legislature, the enclosed letter, and other documents accompanying it, which he had the honor to receive, by the last mail, from T. W. Powell, a respectable gentleman of Ohio.[2]

The undersigned does not feel prepared, at this time, to recommend any particular course, in relation to the subject of communication aforesaid, as we yet remain unofficially informed of the passage of the bill before the Ohio Legislature, herewith enclosed, "To incorporate the Maumee Canal Company." Should the bill now submitted become a law, you will perceive that it authorizes any state to subscribe stock to aid the company; and Mr. Powell intimates to me, that the land granted to Indiana, lying in Ohio, or other assistance, will be expected from the state of Indiana, such as a subscription of stock, to secure the completion of the work. Having had my feelings enlisted in favor of the whole work, from the mouth of Tippecanoe to Lake Erie, it affords me great satisfaction that the enterprising and liberal minded politicians of Ohio, feel disposed rather to *encourage* than obstruct this grand commercial thoroughfare. If any step is taken by Indiana, it is evident that a subscription of stock, equal to the amount that the land in Ohio will sell for, is the correct policy: that course will be like putting so much money at interest, besides securing to us a voice in regulating the tolls in that state—to grant the land would be yielding an immense capital, as well as the power to protect the interest of our own people, in their passage through the channel. The value of that part of this canal which lies in Indiana, will depend much upon the reasonableness of the tribute which may be exacted by the proposed company. If the General Assembly entertain different views, it is my wish that they may express them; for the views of the state will control the character of my correspondence with the authorities of the state of Ohio.

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[1] Indiana *Senate Journal,* 1827-28, p. 185.

[2] The letter and documents have not been found.

I would respectfully recommend to the Legislature, the propriety of laying down the outlines of the policy they intend to pursue.[3]

Very respectfully, Your obedient servant,

J. BROWN RAY

Ray to Andrew Jackson[1]

INDIANAPOLIS, Jan. 30th, 1828.

GEN. ANDREW JACKSON,

SIR: The undersigned conceives it to be his duty, to present you with a preamble and resolutions, which were adopted on the 22d inst. by the Senate of the state of Indiana, as you will perceive by the inclosed sheet of the journals of the late General Assembly of the state; which said preamble and resolutions are "in hec verba," as follows, to wit;[2]

[3] The only action taken by the Assembly relative to Ohio and the Wabash and Erie Canal was a joint resolution and communication to the General Assembly of Ohio stating that "under the belief that a mutual and reciprocal interest is felt by our respective citizens, in the completion of an undertaking of such immense importance, the General Assembly of the State of Indiana, would respectfully invite the attention of the General Assembly of the state of Ohio, to such co-operation with them on this subject, as may be necessary to enable the legislature of Indiana, with the concurrence of the General Assembly of the state of Ohio, fully and efficiently to apply the grant of the Congress of the United States above recited to the furtherance and accomplishment of the object in view." *Laws of Indiana,* 1827-28, pp. 138-39. See Ray's letter to the Governor of Ohio and his reply, *post,* 329-35.

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[1] Indianapolis *Gazette,* April 8, 1828.

[2] Indiana *Senate Journal,* 1827-28, pp. 226-27. The resolutions were protested by John Milroy who declared that they were an attack on Jackson's integrity since his Senate record showed him to be a friend of internal improvement within the construction of the constitution, and likewise a friend of protection. Milroy's statement provoked a retaliation from 13 senators who contended that Milroy's own action had been the occasion of the resolution. *Ibid.,* 255-56, 260. The pro-

Whereas, The friends of General Jackson in the Western States, advocate his election to the Presidency of the United States on the ground of his being friendly to Internal improvements, and the advocate of a judicious tariff for the protection of American manufactures; and whereas, the friends of the same distinguished individual in Virginia, the Carolinas, Georgia, Tennessee, Alabama and Mississippi, advocate his claims to the first office in the nation on account of his opposition to the above measures or system of policy—therefore, for the purpose of enabling the citizens of Indiana to ascertain what are the real sentiments of General Jackson, and to give them an opportunity to vote *understandingly* at the next presidential election, in reference to these great interests;

Resolved, By the senate, that his Excellency the Governor be requested to address a respectful letter to general Andrew Jackson, inviting him to state explicitly whether he favors that construction of the Constitution of the United States, which authorizes Congress to appropriate money for the purpose of

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ceedings leading up to the passage of the resolution which shows the politics involved read as follows:

"Mr. Milroy rose in his place, and read a resolution purporting to be a resolution of the Senate of Indiana; which resolution was seconded, and the substance of which, amongst other things, was requesting the Governor of this state, to correspond with General Andrew Jackson, relative to his construction of the constitution of the United States, on the power of Congress to appropriate monies for a general system of internal improvement, and their power to lay such protecting duties as will encourage domestic manufactures; and also to correspond with John Quincy Adams, President of the United States, relative to certain votes said to have been given by him, in the Senate of the United States, against the organization of Louisiana, and relative to a certain coalition, said to be formed between that gentleman and Mr. Clay; and which resolution, after being by him read in his place, he averred he would not lay before the Senate, unless they would agree to pass the same without the least alteration or amendment; and although the said resolution having been seconded and read, and repeatedly called for by different members, Mr. Milroy persisted in withholding the same from the Senate.

"Mr. Graham then rose and offered the following as a substitute for the resolution so withheld by Mr. Milroy," the one given below, which passed the Senate, 14 to 5, those voting in the negative, Messrs. Canby, Givens, Milroy, Simonson, and Smiley. *Ibid.,* 225-27.

making *internal improvements* in the several states, and whether he is in favor of such a system of protective duties for the benefit of American manufactures as will in all cases, where the raw material, and the ability to manufacture it, exist in our country, secure the patronage of our own manufactures to the exclusion of those of foreign countries, and whether, if elected president of the United States, he will in his public capacity, recommend, foster and support the *American System*

Resolved, That his Excellency the Governor be requested, as soon as he receives the answer of General Jackson to the letter contemplated in the preceding resolution, to cause the same to be published, together with these resolutions, in the newspapers printed at Indianapolis.

You will now readily discover, sir, that as you are considered before the American people, as a candidate for the first office in their gift, it is the object of these resolutions to elicit your *present* opinion in relation to certain principles, which appear to be dividing our hitherto happy republic into two great political parties.

Having been requested to address you a respectful letter, with respect to those cardinal interests alluded to in the resolution, I would be remiss in my duty to the distinguished individual whose opinions are sought for, were I not, as the organ of this correspondence, to apprise you of some of the many reasons, which most probably induced this course to be taken. But, permit me first to assure you that the people of Indiana, have not ceased to venerate the victorious General, who, aided by the brave sons of freedom, preserved New Orleans, its beauty and booty, from ruthless invasion and ruin; they would not pluck a sprig from the wreath with which fame has decorated his brow, or sully the laurels he has won; they will long recollect with pride and admiration the conspicuous actors who closed the scene of the late war; and inspired by the highest sense of gratitude, they will ever be among the first to step forward to vote immortal honors, either to the illustrious dead or living; yet when the strong pillars of their country's glory are threatened, to be torn down, they hesitate in conferring the noblest trust in the power of freemen to bestow on any man, however worthy and meritorious, until they receive a *prior* assurance of its rightful exercise, in accordance with their *will* and *interest.*

Natures laws seem to teach us, that states as well as individuals, will consult their own interest, preservation and prosperity, as the first great rule of their conduct. And we are strongly admonished by the histories of all nations, and our own sense of propriety, to be governed in our choice for public servants by *principles* and *measures;* and not allow our attachment to *men*—fallible human nature—however ardent, to so completely overwhelm us with personal feeling, as to cause the infliction of an incurable wound upon the nation's honor, the public liberty, or the just expectations of the citizen. Whilst it is admitted, that our land has her *heroes* and *statesmen,* "who fill the measure of their country's glory," and command our best affections, let it ever be remembered, that it is incumbent on us to love our country more than the most conspicuous. And if we shall see them all harmoniously putting their shoulders to the wheel, and continuing to support those measures which we believe are essential to the rise, greatness and security of the nation, it is believed that the unering wisdom of the people, will select the most *worthy,* and confer upon him the highest honors and powers known to the constitution.

It cannot be concealed, that in this Union we have three classes of industry, agricultural, commercial and manufacturing, each having different interests and contending for different principles. The framers of the federal constitution with almost prophetic vision, discovered the necessity of affording to each of these great branches an adequate protection. It was, that these departments of enterprise and industry, might be effectually *encouraged, and protected as well as for purposes of revenue,* that various articles were inserted in the constitution, delegating express powers to Congress. For instance, Congress has power given it, to lay duties and imposts, to provide for the common defence and general welfare of the United

States; to regulate commerce at home or abroad; to establish post offices and post roads, and to provide for and maintain a navy. All those powers having been exercised from time to time by Congress, with a view of encouraging or protecting those several classes of people. It has been expected by the citizens of the west, who inhabit a country at present purely agricultural, (but, susceptible of manufacturing an abundant supply of necessaries) that, no political crisis ever would arrive, which would present the singular spectacle, of a Congress of the United States assembled in the capital of the nation, acting under an oath to support the chart containing the aforesaid powers, and attempting to *prostrate rather than encourage* any of those numerous and respectable classes of the American people. But, we have not been more astonished than alarmed, to witness, that within the last three years, the representatives in Congress from particular states, and whole state legislatures have gone into concert, against all tariff laws, intending to protect American industry against European capital, art, and against appropriations from the common treasury to improve our interior.—And we have been especially aroused from the apathy in which we had reposed, while confiding in the integrity of the nation to see all those enumerated powers carried into full effect, by violent denunciations of the *unconstitutionality* of the "American System," and internal improvements; which, alone can bring the grain growing states near to that equality with their southern sisters, which the bill of rights contemplates. If opposition had been waged against either of these systems upon the ground of *independency,* without attempting to tear from the constitution some of its most valuable parts, by a novel process of construction, too rigid for the safety of the constitution or the country, that general sensibility which now pervades the land, would in a great degree have been avoided.

You are doubtless well aware, sir, that you received the vote of Indiana at the last election, under a belief that internal improvements & domestic manufactures, would be liberally patronized and encouraged under your administration; but now, when we hear your friends in & out of Congress, and the legislatures of the southern states, including the one in which you reside, all in your support, denouncing the supporters of this policy, branding them with dishonorable epithets, and proclaiming that they will support no man who is the friend of such measures, so vital to us; and at the same time see these states announcing you as their candidate and only hope to put down that policy; we, who have ever openly avowed our friendship for it, are brought to a pause, until we read from under your own hand a determination on your part of friendship. We know that your *veto* would prove fatal to us, in closely and warmly controverted points, and particularly so with respect to these measures.

The people of Indiana are well aware, that when you were in the Senate of the United States, you gave such a support to those measures, as to leave an impression upon the public mind, that you approved of the principles we contend for, and believed in their constitutionality; but we are not in possession of any evidence to prove to us how far you are willing to go, in imposing duties upon all articles produced or manufactured in other countries, of the identical same kind, which may be produced or manufactured in the United States from our own material. Nor do we know precisely what construction you may put upon the constitution, with regard to the right of congress to make internal improvements through the several states. It is said that tho' you may have felt friendly to our policy when in the Senate, yet, that it furnishes no conducive evidence, that you will be so as president, if elected by the states now in your support; inasmuch as you are supported now upon the open and declared intent of checking its progress against an administration friendly to it.

It appears evident to me, that the state of Indiana, and I think all the western and northern states, can never support any administration or party understandingly, consistent with their true policy, composed of anti-tariff or anti-internal improvement men. It is possible, that the southern states, and perhaps the one in which you reside, may feel but little interest in those protecting and dispensing measures alluded to; but with us they are nearly as important as our liberty. We recognize the fact, that the productions of southern labour, find a certain market abroad; and from proximity to the ocean, are disposed of with facility, compared with the difficulty attending exchanges of the bulky and ponderous productions of the north and west. The cotton of the south, is bartered at the work shops of Great Britain for cash, or manufactured articles, upon the very best terms. The productions of your soil find a ready market in Europe, from necessity, which enables you to regulate your own prices—to sell high and buy low. A reference also to the many millions of dollars, that have been, and are expending along the shores of the Atlantic, in virtue of certain powers heretofore enumerated, constructing light houses, docks, navy yards, buoys, beacons, harbors, break-waters, fortifications, and other improvements, for the benefit mostly of the commercial class, may with propriety be permitted to shew that our claims upon the treasury do not rest upon false premises.

Our population and their condition, urge their pretentions to equal rights, upon the public ear. In this country a large majority of the inhabitants spend their days in the honorable employment of cultivating the soil, for a livelihood; and in this class of people, we shall always find the bulwark of the nation. They have no British sympathies, such as are felt by many of the non-productive classes of the great commercial cities; but they are Americans—republicans in feeling and conduct. These patriotic yeomen, who dig their bread out of the ground with their own hands, have a principle about them, which bids a proud defiance to the seductive arts of luxury, and who will stand as towers of defence in this great empire, when the mighty commercial cities of the east and south may be convulsed with faction, and enslaved by foreign influence and wealth. Shall not this class, then, these farmers, demand the beneficial exercise of a single power in their behalf, out of the many which are daily dispensing their blessings to other branches of industry? What, sir, forbids this people from attending to their interests? As consumers of imported articles, do they not pay their proportion into the exchequer of the nation? What are their opportunities of acquiring the means of payment? They cannot exchange their pork, or beef, flour, whiskey, corn, or any thing which their soil produces for those articles they consume. European ports by unjust prohibitions and restrictions, are shut against *their* produce. The cities and manufactories of the two Americas constitute their only market. Roads and canals are the remedy. These denied us, we must enter into a non consumption agreement, as to any imported articles, change our taste, and abandon the use of what we cannot make. Thus we shall be independent in reality, as well as name, of the regal powers on the other side of the great waters.

If the general government, however, by a paternal exercise of the powers found in our excellent constitution, authorizing the making of internal improvements, would throw back amongst the people a portion of the money, which is constantly passing out of the country for merchandize and public lands, by aiding the states to make roads and canals, that the farmer may carry off the accumulating productions of his soil and labor, without being subjected to the present enormous tax, levied by bad roads and obstructed river navigation, upon every thing they raise for market, they could live in republican simplicity, and by long lives of temperance, industry and economy, enjoy the rich and abundant fruits of an incomparable country. Settled in this excellent new territory, interspersed with fine streams, yet requiring improvement, a salubrious climate, and the best government under the high arch of heaven; we must be indulged in claiming our just share of its benefits. We ask for an exact equality in all things, and no more. If the public treasury is to be unlocked for other purposes than to pay the common debt, equity requires that a part of it be circulated wherever a pound of tea is consumed, or a yard of British broadcloth is vended and worn.

A careful review of the short catalogue of powers, which the states have delegated to the National Legislature, connected and compared with the local position of the west, and its increasing millions, must at once raise the grave and interesting inquiry into the *particular* powers which the Congress *can* constitutionally exercise for its benefit, in equalizing the common treasure of the Union amongst all its citizens. We seize upon the powers to regulate commerce, to provide for the common defence and general welfare, and to establish post offices and post roads, and to lay duties and imposts, to sustain us in the belief that Congress is left neither upon *constructive* or *doubtful* ground, as to authority to adorn and bless the country with internal facilities, for the common interest and glory of the people, and to call into action, encourage, and protect their industry.

Nor are those powers upon which the agriculturalist and manufacturer rely, less necessary to the successful operations of their honorable avocations, than indispensible to unite this great family of republics in a still closer bond of union, than without them, they can ever expect to arrive at. It may be emphatically said, that these powers constitute our *principal inheritance in the public purse.* All others must confine expenditures, within particular tide water limits, to the seas, lakes and cities, to our exclusion, and for the special accommodation and aggrandizement of a portion of inhabitants, more unproductive and wealthy, but less meritorious than the hardy pioneers of the forest, who, whether in peace or war, have always done their duty. Virtually strike from the instrument containing them, those clauses, by omitting to execute their obvious spirit, and the western delegation in Congress would be thrown into the humble attitude of begging for those things as *favours,* which they should be left at liberty to demand as *rights.* Estimating these vested rights thus highly, we have been startled at the boldness and apparent candour which has characterized the conduct of the southern states, in the stand which they have taken against internal improvements and the domestic system, which received their birth under the auspices of these powers. And finding these very states in your support for the presidency, with the ostensible object of putting a period to all further legislation favorable to those measures to which we are so firmly wedded, we are subjected to the unpleasant necessity of soliciting you to furnish us with your opinion, on the following points, to wit:

Do you believe that Congress has power to appropriate money from the common treasury of the Union, to make roads and canals; and do you believe that it is *expedient* for them to exercise that power?

Is is your opinion that Congress has power to make internal improvements in and through state sovereignties, without the consent of the states; or, is it your opinion that, that body can only appropriate money from the treasury, and put it under the agency of the states for application? And is it expedient to do so?

What are your *present* opinions of Tariff laws?

How far are you willing to go in imposing duties to protect American maufactures?

Are you the friend of the American system?

Are you in favor of the woolens bill which was before the last Congress?

Are you willing to impose such a duty upon all such articles imported into the United States, from foreign countries, of the same kind which can be manufactured at home, as will enable the American artist and laborer to compete fairly in market with European capital and skill?

This letter is not dictated by any other motive than friendship, and a desire to arrive at the truth, the whole truth, and nothing but the truth; and it is confidently believed that you will not misunderstand its object. In the purest times of the republic, when the fathers of the constitution and country were upon the stage, we learn that they inculcated the doctrines we contend for; and we intend contributing our share to perpetuate them.

I have the honor to be, sir, very respectfully, your most obed't serv't,

J. BROWN RAY[3]

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[3] See Jackson's reply below, 338-41. Ray's letter, when published,

Ray to the Governor of Ohio[1]

Executive Department,
Indianapolis, Ind. January 31, 1828.

His Excellency, Allen Trimble, Governor of the
State of Ohio—

Sir: In obedience to a joint resolution of the late general assembly of the state of Indiana,[2] to the general assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with Lake Erie, I have the honor of herewith inclosing to your excellency, a copy of that instrument, with a request, that the same may be laid before the legislature of the state over which you have the satisfaction to preside.

I eagerly embrace this opportunity to assure you, sir, that the deep interest which this state takes in her favorite canal, intended to connect the Wabash river with the waters of Lake Erie, at navigable points; the survey and estimate of which,

caught some out-of-state attention. An article in the anti-Jackson New Orleans *Mercantile Advertiser,* reprinted in the Indianapolis *Gazette,* June 12, 1828, praised it lavishly. "Stunned as we are by the din of speculations on the presidential election, which are acrimonious, barren, and totally destitute of instruction, we turn with pride to a paper replete with good sense, and couched in the language of a gentleman. Such productions shed light and peace upon the country; and should General Jackson be elected, (an event which seems more distant than ever,) we never expect to see such a paper from his pen to Congress. There is no position in it which is not defensible, and capable of being made good before the whole country, containing as it does, a clear exposition of the policy and interests of the Western States, they cannot fail to act upon it as a text book. . . . On a survey of the ground occupied by both parties, the people of Indiana will come to the conclusion that it is their duty to themselves and the country, to side with the administration. Such a stand will prove that they are competent to meet great dangers, and that they do not abuse their right of controlling the operations of government. If our predictions are verified, we shall have the example of one state, bestowing her suffrage as the reward of principles and public services."

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[1] Indiana *House Journal,* 1828-29, pp. 312-16. This letter and the reply to it were transmitted to the Indiana House on January 1, 1829.

[2] For the resolution see *Laws of Indiana,* 1827-28, pp. 138-39. See also *ante,* 318-19n.

were authorized by an act of our late general assembly, to be made during the next summer, was quickened into a lively sensibility, by the receipt of information lately communicated to some gentlemen of the Indiana legislature, and to her executive, that Ohio, already to her glory, and the certain ultimate interest of her people embarked extensively in internal improvements and grown powerful by the wisdom of her councils, feels disposed to co-operate with Indiana, about to begin her *first* great work, by operating upon a line of internal artificial communication, common to both states in honor, interest and utility.

More than one half of the future and present population of Indiana, and a considerable portion of that of Ohio, must become in time, directly interested in the completion of this essential navigable artery, as affording to them an outlet for the abundant and various productions of a fruitful soil, to the northern and eastern cities and manufactories, proving by daily experience, to be a safe and better market, than can be found elsewhere—and infinitely superior to the celebrated New-Orleans, which annually sinks more or less of our enterprizing population to bankruptcy and ruin, instead of raising them to opulence. Nor, does it require any unusual prophetic powers to foresee, that this uncertain and dangerous depot, will continue with the march of time, to grow less and less important as a place of exchange, to the western people, until it shall be shunned as a devouring scylla. The statesman needs but to cast his eye upon the chart of our extended empire, and view the immense region watered by the "Father of Rivers," and his tributaries, yet to be settled by civilized man, with its capability for the production of all the staple commodities of these states, with but one road to market, and that leading towards the gulph of Mexico, beneath a hot sun and a warm climate, where all that is perishable shall be in jeopardy; to entertain but little doubt, that by the time the next generation come upon the stage, this same New-Orleans, without a prospect of a rapid increase of population, in proportion to that of the country, she commands and compels to pay her tribute, will be viewed with the greatest indifference by the people northwest of the Ohio river. Rather than our citizens should be permanently and perpetually bound to rely upon this fluctuating market; I would hope for the projection of a rail road or a canal through the tall summit of the Rocky mountains, to greet the waters of the Pacific Ocean, with a view to a profitable trade with the kingdoms of Asia, as a great work of posterity, visionary it would seem. But, the farmer, will look with *more propriety,* to the numerous manufacturing establishments, for the consumption of his surplus, which are rising in the east, and which may yet spread over the Union, by proper encouragement, than to any foreign country whatever.

The bill before the Ohio legislature to incorporate the Maumee canal company, having for its object the completion of all that part of the canal route from the line dividing Indiana from Ohio, to the Maumee bay, becoming a law, it may be expected that *states* as well as individuals, will be authorized to subscribe stock to assist in the furtherance of the project. If Ohio has disposed of her right to make this improvement, to a company, it may be presumed, that unless that company fails to take efficient steps, to fulfil the intention of the charter, that she will feel a delicacy if not a want of power in hereafter wresting from it the authority she has delegated. But, it is believed, that under any circumstances she will constantly view with great anxiety, the progress of the work, let no occasion slip to aid its progress, and cheerfully secure the rights of those that may become interested—either states or citizens.

The grant to Indiana by the U. S. to make the canal, according to a fair construction of the act making it, will be coextensive with such a location as she may think expedient to make. To secure a permanent and constant navigation to Lake Erie, it may perhaps become necessary to extend the line of the canal to the Maumee Bay; a considerable part of which must fall within the jurisdiction of Ohio. The value of this part of the grant is not accurately known; but, the state of

Indiana, can never hesitate in becoming interested in that section of the canal lying within Ohio, to an extent *equal* to the *value* of those Ohio lands, either in conjunction *with Ohio* or in connexion with a company, acting under a judicious act of incorporation. Were the state of Indiana, to subscribe in stock, her canal lands lying within Ohio, she would expect the legislature of that state, to guarantee to her the completion of the canal, and the faithful application of the funds arising from the lands, to the objects intended to receive them; and a *voice* in regulating the tolls in proportion to *her* interest. No doubt is entertained but what this state is willing to assist in the Ohio section, to an extent, at least equal to her canal grant lying within that state, in any form or manner that the two governments may agree upon. And we would not at the beginning, presume to dictate to an older and more experienced state, the character of the association which should be formed, to concentrate the energies of the two states, in effecting a common object of high import to both. Whether a canal to the Maumee Bay, or slack water navigation, will meet the preference of the states concerned, can only be fully settled by an actual examination of the stream.

If Ohio, has already taken any effective step in this business, I must be permitted on behalf of this state, to request that the chief magistrate of Ohio, will furnish the undersigned with whatever act, may have been passed on that subject, with his views in relation to it. And if no step has yet been taken, that he would intimate, what course Ohio, will most likely pursue in future, with respect to it? Will she incorporate a company with leave for other states than herself, to subscribe stock; and agree to afford ample security to its omen, by mutual legislation upon reciprocal principles? Or, is it most probable she may prefer engaging in the work contemplated in connection with Indiana? And if neither, will she allow the state of Indiana to carry on the whole work under her own authority?

Any information which your excellency may think proper to communicate, on this interesting subject, will be thankfully received; in addition to being laid under an obligation to comply with a similar request, whenever an occasion offers.

I have the honor to be, Very respectfully, your ob't serv't.

James B. Ray

The Governor of Ohio to Ray[1]

His Excellency, J. B. Ray, Governor of Indiana.

Sir: Your letter of the 30th January last, inclosing a communication and resolution of the general assembly of Indiana, to the general assembly of Ohio, on the subject of connecting the waters of the Wabash river, with those of Lake Erie, by a navigable canal, was received a few days after the adjournment of the Ohio legislature. Previous to the receipt of those documents, I had learned there was a bill before congress, which if passed into a law, would render legislation by Ohio, upon the subject of your communication unnecessary. I have allusion to the act to aid the state of Ohio in extending the Miami canal from Dayton to Lake Erie, &c., and for other purposes, which you will have seen was delayed in its passage to the close of the late session of congress. I mention this circumstance as an apology for not sooner acknowledging the receipt of your letter, and answering it as far as in my power to do; the enquiries of your excellency, relative to the course the legislature of Ohio would probably pursue upon the subject of the claim of your state, (under the act of congress of the 2d March, 1827) to lands within the territory of Ohio, to be applied within her jurisdiction, to aid in the construction of a canal connecting at navigable points the waters of the Wabash river with those of Lake Erie. It seems, the national legislature, sensible of the difficulty of seperate communities uniting in works of improvement, such as those contemplated by Indiana and Ohio, have, with an equal liberality extended to those states, sufficient aid to enable them to pursue successfully, their favorite plans of improvement within their own territory; and I flatter myself the general government of our respective states will be equally gratified that an opportunity is thus offered them, so to direct their energies within their own proper spheres as to produce the greatest general good, as well as to afford mutual and reciprocal advantages.

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[1] Indiana *House Journal*, 1828-29, pp. 316-18. The letter is undated.

In relation to the donation made by the late act of congress to this state, to aid in the construction of her canal, I have no hesitation in saying, the legislature will accept, and take immediate measures to apply this bountiful gift of the nation, to the purposes for which it was designed. The Miami canal, though not permanently located, has been surveyed under the authority of this state, from Dayton to the Maumee bay, and complete estimates made of the cost of the entire work. I think it probable the next general assembly will designate the route, and direct a permanent location to be made within the next year.

I will not undertake to fix periods for the commencement and completion of this important work, but, I will hazzard the opinion that within ten years there will be a navigable canal from Cincinnati to the Maumee bay.

In reference to that provision of the act of congress referred to, which authorized Indiana, to convey and relinquish to Ohio, upon such terms as may be agreed upon by said states, all the right and interest granted to the state of Indiana, to any lands within the limits of Ohio, &c. by act of the 2d March 1827. I will only say, that the legislature of Ohio will be pleased to learn as early as possible, after the meeting of the next general assembly, what determination the legislature of Indiana may make upon the subject.

With a confident hope that our enterprizing fellow citizens, will pursue those schemes of improvement, in which they have so laudibly engaged, with a zeal and energy commensurate with their importance, and that every man of them will live to participate in the advantages and reap the profits of their labour.

I subscribe myself, with great respect, Your most obedient servant,

ALLEN TRIMBLE

Samuel Milroy to Ray[1]

CARROLL COUNTY IN Febr. 1st 1828

TO HIS EXCELLENCY THE GOVR. JAMES B RAY

SIR Enclosed is the certificate of an Election held in Carroll County for sheriff pro tem— which has resulted in the Election of my son—who is therefore recommended to your Excellency, to fill the office to which he has been chosen by his fellow citizens[2]

If it is judged necessary to appoint a coroner (which the sixth section of the act entitled "an act to provide for the commissioning sheriffs and coroners &c" seems to require—I would take the liberty of recommending to your Excellency David Baum of this county as a proper person to fill that office, he being one of the first settlers on this part of the Wabash.

Permit me to sugest to your Excellency, the propriety of authorising the Election for county officer in Carroll Co. to be held on Monday the 28th of Aprile next[3]—as if held sooner, some of those who wish to be candidates for the Clerks office, would not have the necessary residence, and if held later the Board of County Commissioners would not be organised in time to receive the report of the Commissioners appointed by law to locate the county seat—it is believed that the 28th of Aprile will combine all those objects

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[1] ALS. ISL:Recommendations and Appointments file.

[2] Carroll County had been formed by act of January 7, 1828, effective May 1. As in all new counties, the Governor was to appoint a sheriff and coroner who would serve until the regular annual election in August. In this instance apparently a poll was taken to learn the people's choice for sheriff.

[3] This election was for the purpose of choosing the associate judges, clerk, recorder, and justices of the peace.

We have no news—having had no mails on the Wabash since came from Indianapolis

Respectfully Sir I am yours &c

SAML. MILROY

[Endorsed:] Carroll County. Henry B. Milroy appointed sheriff; David Baum Coroner. Writ of election issue for county officers for the 28th of April 1828[4]

Ray to the Secretary of War[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, February 4, 1828.

HON. JAMES BARBOUR,

SIR—By virtue of an act to provide for surveying and marking a road from Lake Michigan to Indianapolis, passed by the late General Assembly of the state of Indiana, and approved, January 24, 1828, agreeably to the late treaty with the Potawatamie Indians, I am required to correspond with the Secretary of War, for the purpose of ascertaining in what manner the state of Indiana shall receive or take possession of the land granted by the said treaty, for the location and construction of the said road.

As the *quantity* of land for this thoroughfare is clearly defined by the treaty, being one section of *good* land, to be applied to every mile of the whole distance that the state may

[4] Milroy addressed a second letter to Calvin Fletcher and sent it and the letter to the Governor by the hand of Moses Aldridge who was going to Indianapolis and expected to return immediately. He asked Fletcher to obtain the commissions and writ of election and place them in Aldridge's hand in order that they might be received more promptly in the county. He commented that they were "likely to have several candidates for the clerks office—and a sufficiency of candidates for all other offices." ISL: Archives Division, Recommendations and Appointments file.

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[1] Indiana *House Journal,* 1828-29, pp. 109-11. Ray transmitted his correspondence with the Secretary of War relative to the Michigan Road lands to the Indiana House on December 11, 1828. See the reply of the Secretary of War under date of March 1, 1828.

think proper to locate a road from the Lake to the Ohio river, by the way of Indianapolis. It appears to be the wish of this state to obtain your opinion, as to the *place* where this land shall be located, and *how* it must be done.

You will discover, by a reference to the treaty, that the land is to be located "*contiguous*" to the road. Is it your opinion that the land must be *adjoining* the road, the whole distance from the Lake to the Wabash, or, would it not rather be the most reasonable interpretation of the article, making the cession, that the land may be located in such places *near* the road as aforesaid, as the agents of the state deem most advisable? Will this land be surveyed by the United States, or will that duty devolve upon the state of Indiana? With respect to the length of the road, what would be your opinion as to the power of the state to extend it, under the words, "some convenient point at the Ohio river," any reasonable number of miles *further* than the *nearest point?* And lastly, would you not conclude, that by virtue of the treaty and the act of congress, it is competent for the state to take possession and dispose of the land for the object intended, in such manner as she, by her legislature, may think fit?—Is she not constituted *sole trustee* of both the United States and the Indians, to carry that part of the treaty, relating to the grant, into full effect, as she in her wisdom may deem most expedient?

Respectfully, your obedient servant,

J. B. Ray

Ray: Proclamation for Meeting of Michigan Road Commissioners[1]

[February 12, 1828]

Whereas, the second section of "an act to provide for the surveying and marking a road from Lake Michigan to Indianapolis," approved January 24, A. D. 1828, requires the Governor of the State aforesaid, to appoint a *time* and *place* at which John McDonald, of Daviess County, and Chester Elliot, of Warrick County, and John I. Neely, of Gibson County, the Commissioners appointed by the first section of said act to survey and mark the said road, agreeably to the late treaty with the Pottawatamie Indians, shall meet to discharge the duties enjoined on them by the said act.[2]

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[1] Indianapolis *Indiana Journal,* February 28, 1828 and following issues.

NOW THEREFORE, be it known, that I James B. Ray, Governor of the State of Indiana, as aforesaid, have appointed, and do by these presents designate the first Monday of April next, as the *time,* and *Indianapolis* as the *place,* at which the said commissioners will meet for the purposes aforesaid.

Done at Indianapolis, the 12th day of February, A. D. 1828, the 12th year of the State, and of the Independence of the United States, the 52nd.

Given under my hand and the great seal of the State of Indiana, the day and year aforesaid.

JAMES B. RAY.

By the Governor,
W. W. WICK, Secretary.

Andrew Jackson to Ray[1]

HERMITAGE, Feb'y 28th, 1828.

HIS EXCELLENCY, JAMES B. RAY, Governor of Indiana,

SIR— I have had the honor to receive your excellency's letter, of the 30th ultimo, enclosing resolutions of the Senate of Indiana, adopted, as it appears with a view of ascertaining my opinions on certain political topics. The respect which I entertain for the executives and Senate of your state, excludes, from my mind, the idea that an unfriendly disposition dictated the interrogatories which are proposed. But I will confess my regret at being forced, by this sentiment, to depart, in the smallest degree, from that determination on which I have

[2] For report of the commissioners see below, 402-7.

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[1] Indianapolis *Gazette,* April 8, 1828.

always acted. Not sir, that I would wish to conceal my opinions from the people upon any political, or national subjects; but as they were in various ways promulgated in 1824, I am apprehensive that my appearance before the public, at this time, may be attributed, as has already been the case, to improper motives.

With these remarks, I pray you sir, respectfully to state to the Senate of Indiana, that my opinions, *at present,* are precisely what they were in 1823 and 4, when they were communicated, by letter, to Doctor Coleman of N. Carolina, and when I voted for the present tariff and appropriations for internal improvement. As that letter was written at a time when the divisions of sentiment, on its subject, were as strongly marked as they now are, in relation both to the *expediency* and constitutionality of the system, it is enclosed herein; and I beg the favor of your excellency to consider it a part of this communication.[2] The occasion, out of which

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[2] This letter to Dr. L. E. Coleman, of Warrenton, North Carolina, April 26, 1824, was printed in the Indianapolis *Gazette,* April 8, 1828, along with the present letter to Ray. The Coleman letter had appeared in the *Niles' Register,* June 12, 1824, and on May 3, 1828, it carried Jackson's reply to Ray.

In reference to the tariff Jackson had written to Coleman: " . . . I am in favor of a judicious examination and revision of it; and so far as the tariff bill before us, embraces the design of fostering, protecting, and preserving within ourselves, the means of national defence and independence, particularly in a state of war, I would advocate and support it. . . . the grand materials of our national defence . . . ought to have extended to them adequate and fair protection, that our own manufactories and laborers may be placed on a fair competition with those of Europe. . . . Beyond this, I look at the tariff, with an eye to the proper distribution of labor, and to revenue; and with a view to discharge our national debt. . . . This tariff—I mean a judicious one, possesses more fanciful than real danger, I will ask what is the real situation of the agriculturist? Where has the American farmer a market for his surplus product? Except for cotton he has neither a foreign or home market. Does not this clearly prove . . . there is too much labor employed in agriculture. . . . ? Draw from agriculture this superabundant labor; employ it in mechanisms and manufactures thereby creating a home market. . . . In short sir, we have been too long subject to the policy of the British merchants. It is time that we should become a little more *Americanized.* . . . "

The pro-Ray anti-Jackson Indianapolis *Gazette* which printed all it arose, was embraced with a hope of preventing any doubt, misconstruction, or necessity for further enquiry respecting my opinion on the subjects to which you refer—particularly in those states, which you have designated as cherishing a policy at variance with your own. To preserve our invaluable constitution and be prepared to repel the invasions of a foreign foe, by the practice of economy, and the cultivation, *within ourselves,* of the means of national defence and independence, should be, it seems to me, the leading objects of any system which aspires to the name of "American," and of every prudent administration of our government.

I trust sir, that these general views taken in connection with the letter enclosed, and the votes referred to, will be received as a sufficient answer to the enquiries suggested by the resolutions of the Senate. I will further observe, to your excellency, that my views of constitutional power, and American policy, were imbibed, in no small degree, in the times, and from the sages of the revolution, and that my experience has not disposed me to forget their lessons: and, in conclusion, I will repeat that my opinions remain as they existed in 1823 and '24, uninfluenced by the hopes of personal aggrandisement; and, that I

three letters editorialized: "The letter to Dr. Coleman was written the same winter his [Jackson's] vote was recorded in favor of the tariff of 1824. The tariff, from the language of the General, we may infer was what he deemed *'judicious.'* But what has been the situation of the manufacturer under that tariff? Does not the report of the committee on manufactures most forcibly remind us, that this was an inadequate protection—a protection which has caused our manufacturing interest to languish, or prove a losing concern to those engaged in it? . . . If protection is not now given to our manufactures, they will languish, and we shall be more dependent than ever—and what will be the deplorable situation of our country? . . . Gen. Jackson knows the ground on which he stands. He well knows it would displease his southern friends, if a definite answer were given. . . ."

The editorial continued, ". . . should this policy [declaring internal improvements unconstitutional] be pursued, what would be the situation of our National Road, when the two per cent fund is expended? . . No man in the country will deny but that the present administration, in every respect pursues a policy favorable to the prosperity of the west. Shall we give up a certainty, for at most an uncertainty."

am sure, they will never deprive me of the proud satisfaction of having always been a sincere and consistent republican.

I have the honor to be, Very respectfully, Your most ob't serv't,

Andrew Jackson

The Secretary of War to Ray[1]

Department of War, 1st March, 1828

To His Excellency, J. B. Ray
Govr. of Indiana.

Sir, I have had the honor of receiving your letter of the 4th ulto and proceed to reply to it.

The land ceded by the late Treaty with the Potawatimies, was obtained by the United States for the use and benefit of Indiana. The manner of taking possession of the land, as ceded, will be by surveys. Should good land lie immediately along the route of the survey, the quantity granted by Treaty will be laid off along said route; but if not, then contiguous thereto.

The Indian agent will be required to attend the surveys, and it might promote a harmonious issue to them were you to ask the agent to invite two or three of the principal chiefs to attend with him. Their assent as to the point of termination of the proposed road, and where it is to strike the Ohio, it would be well to secure; which would guard against any difficulties that might afterwards arise upon that and the other point respecting the location of the sections.

No part of the cost of the survey or any incidental expenses attending it will be borne by the United States. The obligations of the General Government ceased, when the right to the land, for Indiana, was secured.

The State is the sole Trustee over these ceded lands, but the question of expediency as to the length of the road, and which

[1] LS. NA:Indian Office Letter Books, 4:319-20.

relate also to the part where it may strike the Ohio, can be only adjusted in the way proposed. It is proper the Indians should agree with you as to where that point ought to be; also as to the location of the Sections along the route which may be marked in the survey for the road.

You will notify the Department when you are prepared to commence the survey, that instructions may be given to the agent.[2]

I have the honor to be &c. &c.

JAMES BARBOUR.

William Van Matre to Ray[1]

STATE OF INDIANA DELAWARE COUNTY
April the 4th 1828

TO HIS EXCELLENCY THE GOVERNOR of the State of Indiana

there is not a doubt in my mind that your Excelencys patience are worn out with the frequent requests for writs of election in this county the sheriff received your writ of election for coroner and caused an election to be held on the day appointed but the returns ware made so illegal by the judges of election that it was out of my power to return any person duly elected and this is to request your Excelency to issue an other writ as soon as convenient.[2]

I have the Honor to be &c.

HIS EXCELENCY THE GOVERNOR WM VAN MATRE Clk

[Endorsed:] Let a writ issue Issued 10 April 1828

[2] Ray began a new correspondence with the Secretary of War relative to the Michigan Road lands in February 1830. See *post,* 586-94. By this time a new administration had come into power and a new interpretation was placed upon the treaty grant different from that indicated here.

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[1] ALS. ISL:Archives Division, Election Returns, April, 1828.

[2] John D. Cox, elected as the county's first coroner in August, 1827, had refused to accept the office. The first writ for a special election to fill the vacancy was issued February 11, 1828. Thomas Thornburgh was finally commissioned to the office on July 18, 1828. *Executive Proceedings, 1816-1836,* p. 669.

Ray: Proclamation for Letting of State Prison Contract[1]

[April 8, 1828]

INDIANA STATE PRISON

The undersigned hereby gives notice to the public, that, by virtue of "an act for the better" management of the State Prison and for other purposes, approved January 31, 1824, he will receive proposals, at the town of Indianapolis, Indiana, until the 10th day of May, A. D. 1828, for farming out the State Prison of this state, for three years, to a qualified Superintendent.—The best proposition for the interest of the state, made by a person adequate to the performance of the duties required, will be accepted. Proposals must be handed in sealed.

Respectfully, &c. &c. JAMES B. RAY.[2]

Resolution of the Jackson Central Committee[1]

SALEM, May 7, 1828

RESOLVED, That a committee be appointed by the chairman of this Central Committee to write to Gov. Ray, to ask him if he will *consent* to be run as the Jackson candidate for Governor at the ensuing August Election, *provided,* there should be an Adams man brought out as a candidate by the opposition; and if Gov. Ray shall so consent to be a Jackson candidate, provided he should have opposition as aforesaid—then we as members of the Central Committee, will consider ourselves as pledged for his support as Governor; and the Jackson party throughout the state so far as we can controul.—This resolution or Gov. Ray's answer is not to be published or made known, unless there be an Adams candidate for Governor, *then* Governor Ray's name, is to be added to the Republican ticket as a candidate for Governor. By this you can see that we are

[1] Indianapolis *Gazette,* April 8, 1828.

[2] See above, 314-15n, and below, 385.

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[1] Indianapolis *Gazette,* July 17, 1828.

disposed to elect you and suffer you to remain perfectly *neutral* unless an Adams man should oppose you for the office of Governor.

Henry S. Handy.
[President][2]

Ray to Henry S. Handy[1]

Indianapolis, May 15, 1828

Dear Friend—I Sieze upon this *first* occasion, to acknowledge the receipt of your *welcome* letter of the 7th inst: and to reply to it.—

Let me assure you, Sir, that your letter contained much information valuable to me, which I shall treasure up, and never use to your disadvantage. I must admit, that although I have constantly recognized a numerous corps of my old *political* and *personal* friends, in the Jackson ranks, yet that I was not looking for a *concentration* of the *whole* force, of that formidable and respectable party in my favor; notwithstanding I feel satisfied that my course better deserves the confidence and friendship of the friends of the General, than either of those Gentlemen whom you presume will be my Competitors, viz: Moore, Thompson or Graham.[2] Unlike these gentlemen, I will never be heard to say, that "I wish not to be supported by

[2] Handy wrote to the Governor this same day and sent him a copy of the resolution. Ray refused to divulge the contents of Handy's letter and present-day research has failed to uncover it; Ray's reply to it appears below.

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[1] Indianapolis *Indiana Journal,* July 10, 1828 and Indianapolis *Gazette* of the same date. Ray had asked that the letter not be published before the election, but intervening circumstances caused it to be released to the press in July. See above, 343-44, for the resolution of the Jackson Central Committee, and *post,* 350-51, for the resolution of the committee concerning Ray's reply. See 351-53 for Handy's statement to the committee when he made the letter public. See also Ray's statement in regard to its publication, *post,* 353-54, and his letter to the People of Indiana, *post,* 357-66.

[2] Harbin H. Moore, John H. Thompson, and William Graham. In the election Ray was opposed by the pro-Administration Harbin H. Moore and by the Jacksonian Israel T. Canby.

the Jacksonians in Indiana." On the contrary, I recognize amongst them, those very men, who honorably aided in electing me to the place I now occupy in a former struggle against an *old* Adams Elector.

Wishing never to subject myself to the charge of inconsistency in politics, I will give you a brief history of my course and feelings in politics on the Presidential question.

When the congressmen were elected that made choice of the present President, I was a Candidate, and in many instances openly declared in the presence of thousands of my then electors, that I was for Clay *first;* but that if Clay could not succeed, then, in that event Gen. Jackson was my *second* choice. Adams, however was elected tho' I preferred Jackson and always believed he was entitled to the place. I at once come to the conclusion that I would judge the present Administration by its acts, and would not oppose it as long at it was good, unjustly. Its *measures,* I found to be good, wholesome for the people of the Union and particularly Indiana. Although Mr. Adams was not my choice at any time, individually, I acquiesced. Under these circumstances, I determined to occupy *neutral ground.* I have never seen any thing since to change my first determination. And whilst I disbelieve the charge of bargain and corruption, against Messrs. Adams and Clay, I equally discredit the charge upon Gen. Jackson, that he is hostile to internal improvements and the protection of *home* industry, since the receipt of his letter to me on those subjects.[3] Although it is true that I had *doubts* before I addressed the General, from the circumstance that he was taken up and recommended so warmly by the southern interests, opposed as we know to ours, that the General might think fit to go against us, yet I must confess, that his reply to my letter has removed them; consequently raised that great man very high in my estimation. As between him and Adams, my old feelings are renewed.—[4] I am one of those men who cannot now think, that the Administration of Jackson will be varient from the present administration. I shall likely reply to the committee, you say is raised to address me in substance as follows. I am in your hands. Dispose of *me* and my *name,* as you in your wisdom think proper. I wish to be elected Governor of the State on my *merits,*—shall not become a partizan—shall have no objections to receiving the united support of the Jacksonians—shall not undo what they think fit to do, in State elections—and will admit the election to be a *test* of strength. But, must be permitted for the good of the cause, to object to a publication *before* the election, of the letter of the Committee to me, or my reply. By that course the cause would be weakened, thousands in number. If you wish me to succeed by a great majority, leave me as much at liberty as possible—allow latitude. It is enough for you to take up a man not against you and support him, without drawing from *him* any thing for publication, to give offence to the opposite side. And he who allows himself *silently* or *tacitly* to be supported in your name, stands committed by implication as strong as the Andes. You aught to have *confidence* in the man you support, and not place him in an attitude which will weaken him.

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[3] *Ante,* 338-41.

[4] See *post,* 355, 356n, for comment on Ray's attitude toward Jackson's reply.

Resp'y Yr. political and personal friend and humble serv't.

James B. Ray.[5]

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[5] When this letter was made public on July 10, following the publication of Ray's interview with the editor of the *Franklin Repository* (*post,* 348-50n), there was much excitement in all parties and factions. The pro-Ray Administration people wondered if their candidate was deserting them, the pro-Jackson forces tried to use it to their advantage, and the anti-Ray elements in both now denounced him loudly for trying to straddle and deceive. The editor of the pro-Ray pro-Administration Indianapolis *Gazette* (July 10, 1828) wrote at the time of publication of the letter: "In our political relations, we have never chained ourselves to the car of any man. We have always placed ourselves in a situation, to use our own discretion, to give or withhold our support, in every emergency. No motive of honor or gratitude, further than principle was concerned, ever bound us to Governor Ray, nor has any *pecuniary* consideration ever prompted us to support him; for, in *this* particular, *we have sacrificed much to principle;* nor will we now con-

Ray: Announcement of Meeting at Vincennes[1]

[June 14, 1828]

James B. Ray, being a candidate for a re-election as Governor of Indiana, presents his respects to the citizens of Knox County; and takes the liberty to inform them, that he intends to pay them a visit on the 4th day of July, 1828, at Vincennes,

demn him unheard, although, under our present impressions, we cannot approve the course he has taken. . . . "

The Lawrenceburg *Indiana Palladium* (July 12, 1828) was much more outright. It regarded the position in which Ray now found himself "as far from enviable; and the sooner he clambers out, either by throwing up his pretentions to a re-election, or by meeting the charges boldly by explanation, if it were possible, the better it will be. . . . We regret, sincerely regret the necessity which compels us to speak thus of the man whose cause we once espoused, and to whose re-election we were favorable. Should we now withdraw from him the fault lies not with us. . . . "

But to the Indianapolis *Indiana Journal* the situation afforded another opportunity to give vent to their anti-Ray feelings. On July 10, 1828, when the letter to Handy was being circulated over the state, the *Journal* said that it had tried to stay out of the feud beween Ray and Harbin H. Moore. "The enquirer for truth at Indianapolis," it went on to say, "may indeed find persons not friendly to Governor Ray; but it is certainly a poor compliment to him, that those who *know* him the *best, like* him the *least.*"

On July 24, the *Journal* carried statements from two Louisville papers, the *Focus* and *Public Advertiser,* both of which denounced Ray's conduct. Said the latter, "Wherever hypocricy and double dealing are considered odious, the name of Gov. Ray must be branded with infamy." Editorially the *Journal* concluded, ". . . wherever the information has been received, but one opinion has been formed by the candid and unbiassed of all parties, and that was unqualified disapprobation. . . . Some have named Mr. Handy and the Jackson Central Committee, with having endeavored to entrap the Governor. However this may be, as the Governor has refused to publish Handy's letter to him, he has no claim on our charity—on the score of being entrapped, for if that letter would have justified him, it would no doubt have been published at home. But from what is said of that letter by those who have seen it, he no doubt had fears, that 'the valuable information' Mr. Handy gave him, might possibly convince the public that intrigues had been in agitation. . . . We state on good authority, that there are subjects treated of in that letter and favorably received by Gov. Ray, which he dares not trust 'his fifteen thousand insulted freemen' with."

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[1] Vincennes *Western Sun,* June 14, 1828.

where he would be much gratified in exchanging friendly salutations with his fellow-men.[2]

Ray: Notice of Meeting of the Canal Commissioners[1]

[June 6, 1828]

Wabash Canal.

Whereas the undersigned, has been requested by the Canal Commissioners, appointed by an act of the last General Assembly of the State of Indiana, to fix upon a time and place for their first meeting, upon the reception of the report of the Corps of United States Engineers: Be it therefore known, that the second Monday in July, is the time, and Indianapolis the place, when and where, the said Canal Commissioners are requested to assemble, preparatory to the discharge of the several duties assigned them by law.

Done at Indianapolis, the 6th day of June A. D. 1828.

J. B. Ray.

Report of Interview between Ray and the Editor of the *Franklin Repository*[1]

[June 14, 1828]

Ed. Was not the present administration of the general government constitutionally instituted and organized?

Gov. It certainly was.

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[2] A similar letter appeared in the Richmond *Public Leger,* June 4, 1828, giving notice that Ray would be in Richmond on June 12. Other papers no doubt carried notices of his appearance in their neighborhood.

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[1] Indianapolis *Gazette,* June 19, 1828.

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[1] Quoted in Indianapolis *Gazette,* June 19, 1828. This interview followed an address by Ray in Brookville on Saturday, June 14, 1828, in which Ray again declared himself for measures not men, and said that he was prepared to support either Adams or Jackson "so far as they pursued a correct policy, or in other words supported the American system." The pro-Administration editor of the *Repository,* Augustus Jocelyn, wanted to stop the Jackson followers in Indiana from claiming Ray as decidedly friendly to their candidate's

Ed. Do you believe the charge of corruption, bargain and sale, urged by their political opponents against Mr. Adams and Mr. Clay, in the case of the last presidential election; and which has been traced back to Andrew Jackson, as its only ostensible author.

Gov. I do not believe it, nor did I ever believe it.

Ed. What then, in your estimation, must be the real character of the opposition to the present administration, originally urging in its own justification, the corruption, bargain and sale referred to, and now for several years has been carried on by regular combination, misrepresentation and falsehood, while the administration has steadily pursued its duty in promoting

election. The interview satisfied the editor. Following the report of it, he continued, "At the close of the conversation, we observed to his excellency that we did not wish him to declare himself on either side of the Presidential question; meaning (and we presume were so understood) that what had passed already, made it sufficiently clear on which side his judgment and love of country had permanently placed him.

"We have introduced this subject," the editor continued, ". . . for the purpose of showing the opposition that there exists not the slightest pretext in fact, for their claiming the Governor of Indiana for Jackson; and that when his name is used abroad, with a view to produce an effect favorable to the election of the hero, they practice a foul deception upon the public, as well as upon their adherents.

"Governor Ray, however, has nothing to fear, either from his competitor, Harbin H. Moore, the Indianapolis faction, or the inconsiderate few of the Jackson party. . . . He has the general confidence of the people.—They well know that the State has prospered under his administration. . . . " Indianapolis *Gazette,* June 19, 1828, from the Brookville *Franklin Repository.*

The report of the interview caused a storm. It was reprinted widely. Said the Salem *Annotator* in publishing it, "Never since our connexion with a press has it been our duty to publish any thing . . . with so much regret. . . . That Governor Ray should so far descend from the station he occupies, and depart from the principles that must govern every honorable man, we can scarcely, under any circumstances, believe. . . . We give the articles furnished . . . without comment; nor shall we express an opinion on them farther than to say, that if Gov. Ray has made the declaration attributed to him after his unfolding his views as set forth in his letter to Mr. Handy, he has forfeited all claims to the respect or support of either party; and exhibited to the world that he is destitute of every principle that constitutes, an honest politician or honorable man." *Annotator,* quoted in Indianapolis *Indiana Journal,* July 10, 1828.

the best interests of the country? Is not this opposition an outrageous and violent faction?

Gov. It certainly is.

Ed. Is it not the indispensible duty of every good man, from the Governor of a State to the humblest peasant, who feels as he should do, for the honor and welfare of his country, openly to oppose such a faction, and by every lawful means in his power, to support such an administration, identifying with it, the support of its incumbents, against the attempts of such a faction to overthrow it.

Gov. It certainly is the duty of every man to do so.[2]

Resolution of the Jackson Central Committee[1]

[June 28, 1828]

At a meeting of the Jackson Central Committee of the State of Indiana at Salem on the 28th of June, 1828, the following preamble and resolutions were adopted:

[2] In a later issue Jocelyn was forced to "explain" Ray's sentiment that the Jackson party was "an outrageous faction and ought to be put down." He declared that the question and answer did not intend to "embrace all the friends of Gen. Jackson," but only those who charged "corruption, bargain and sale" against Adams and Clay in the last presidential election. Brookville *Franklin Repository* quoted in Indianapolis *Gazette,* July 10, 1828. See below for Ray's declaration that Mr. Jocelyn had grossly misrepresented him.

The Lawrenceburg *Palladium* (June 21, 1828) took the task of defending Ray's neutral position in regard to the presidential question and attacked Jocelyn for his partisanship. "The propriety of such a course in the Executive has met the approbation generally of both parties, wherever he has made his views known; the honor of formally objecting to it was reserved for the editor of the *Repository.* . . . Your sentiments we *must* have, says the editor and down he sits and frames a dialogue between himself and Mr. Ray. . . . The great object to all this maneuvering is to show that the governor is *decidedly* an administration man; and the *effect,* if it has any, [is] that he so far loses the respect he ought to have for a portion of his constituents, as to denounce the opponents of Mr. Adams as an outrageous faction. . . . Mr. Ray has great reason, in this instance at least to say: *'Save me from the indiscretion of doubtful friends—I fear not open and avowed enemies.'* "

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[1] Indianapolis *Gazette,* July 10, 1828.

WHEREAS, it has been represented to this Committee, that Maj. Handy has recently received a communication from Governor Ray, expressive of his sentiments on the pending Presidential election, favorable to the election, of Gen. Jackson; and it appearing that Gov. Ray has denounced the party opposed to the re-election of Mr. Adams as a violent outrageous faction, which every good man should unite in suppressing: Therefore,

Resolved, That a committee be appointed to call on Major Handy to ascertain from him whether such letter has been received; and if so, to request a copy of the same for publication.

Whereupon, Messrs. Malott, Ketcham and Lyon, were appointed that committee, who reported that they have received into their possession, the letter above referred to, with a note from Mr. Handy, which letter, or communication being read, it was resolved that the same, together with certain interrogatories put to Governor Ray by the Editor of the Brookville Repository, and Governor Ray's answers thereto, be published in the Annotator.

WM. MARSHALL, *Ch'n.*

W. H. CARTER, Sec'y.

Henry S. Handy to the Jackson Central Committee[1]

[June 28, 1828]

GENTLEMEN OF THE CENTRAL COMMITTEE:

In compliance with your requisition to obtain a letter written by Governor Ray to me, the 15th of last May, I submit the same to you, for your use.[2] In so doing, I beg leave to remark, that the correspondence originated from a resolution which was passed by the Central Committee, at their sitting on the first Monday in May last.[3] It had been reported in this town that Governor Ray had become the decided advocate of the election of General Andrew Jackson, that the reception of the General's answer to the resolutions of the Senate, had fully satisfied him that the measures of Jackson's administration (should he be elected) would be the same of those of the present, and that he preferred Gen. Jackson as a man to Mr. Adams, and that the pointed interrogatories put by him (Gov. Ray) to the General, were to release him from the charge of favoring the answer of General Jackson, which he otherwise expected to be charged with by the administration party. By reason of the report then in circulation, a resolution was adopted by the committee to call on Gov. Ray, and learn if he would permit his name to be placed upon the Jackson ticket as a candidate for Governor. Being appointed chairman of the committee to call on the Governor, I wrote individually to him, the circumstances in full, and informed him that such a committee had been raised, and of the nature of the resolution, and that within a short period he would be called upon, for his answer; in answer to which he wrote to me the letter placed in your hands.

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[1] Indianapolis *Indiana Journal,* July 10, 1828.

[2] The letter is given above, 344-47n.

[3] See above, 343-44.

Not being present when the letter came to the office, it was opened as all other correspondence, directed to me are, by Mr. Allen or the young men in the office; the contents became known to some, not suspecting any thing contained in the letter required secrecy, on my receiving the letter, I exhibited it to two or three persons, members of the committee appointed to call on Gov. Ray, (as resolved.) The committee, after having prepared a communication to forward to Gov. Ray, were delayed from further proceedings, by reason of information which Gov. Ray had given to some individuals by letter, residing at Corydon, relative to General Jackson's answer to his interrogatories, and it was then agreed to let the subject rest from further inquiry until the sitting of the present committee.

You will perceive that the late Liberty Hall Gazette, of Cincinnati, has set forth the report in circulation, that Gov. Ray is in favor of the election of Gen. Jackson as a base calumny;[4] and that Gov. Ray, in his answers to the editor of the Brookville Repository, has denounced the Jackson party as an *"out-*

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[4] The report in the Cincinnati paper was reprinted in the Indianapolis *Gazette,* June 26, 1828, and the Indianapolis *Journal,* July 10, 1828.

rageous, violent faction, and *ought to be put down by every good man in society.*"

Under these circumstances, and standing charged as a calumniator and slanderer in the public prints for circulating the report that Gov. Ray was in favor of the election of Gen. Andrew Jackson, I feel it no less than a duty I owe to myself and the people of this state, to comply with your request, and to submit to the hands of the committee the letter upon which I grounded the "slanderous report" circulated, relative to Gov. Ray's political sentiments, and conclude by remarking, that I have ever been the firm supporter of Gov. Ray, and that if the language attributed to him by the Brookville Repository, was assented to by him, I shall conceive his course deserving the detestation of every honest man in society, and as having treated me with that duplicity unwarranted by his political standing.[5]

H. S. HANDY.

Ray to the People of Indiana[1]

BLOOMINGTON Ia. July 9th, 1828.

Having understood, that it has been reported in various parts of Indiana, that I have written contradictory letters on the presidential question, to the friends of genl. Jackson, that I would *vote* for *him* for the presidency, and to the friends of Mr. Adams, I would *vote* for *him* for the presidency; and that these letters have made or are to make, their appearance before

[5] After learning of Ray's efforts to seek the support of both parties, the Jackson Central Committee determined to push vigorously the candidacy of Israel T. Canby, of whose politics they were certain. Canby had been informally mentioned as a candidate back in February but now on July 5 he formally announced his intention to make the race. The contest thus settled down during the last month to a three-cornered struggle between the Administration forces supporting Harbin H. Moore, the Jackson forces supporting Canby, and Ray as an Independent.

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[1] Vincennes *Western Sun,* July 26, 1828. The letter was not found in the other newspapers available at the State Library. The Governor's longer and more detailed letter of the 14th appeared in the Indianapolis papers of the 17th and made unnecessary the publication of this earlier letter.

the public, with a view of giving me a sudden destructive blow on the eve of the election; I must be permitted to assure the citizens of Indiana that if such letters or documents make their appearance before them, that they are *base forgeries.*

The editor of the Franklin Repository, Mr. Jocelyn, in certain questions and answers published in that paper, says I admitted in the most unqualified manner, that the opposition to the present administration is an outrageous faction, amongst other things[2] This I never did consent to. This publication grossly misrepresented me. I deny it as it appears in the newspapers. All editors in the state will please insert this in their papers—Respectfully,

JAMES B. RAY.

N B. The letter which H. S. Handy, Esq of Salem has permitted improperly to be published,[3] will be noticed when I arrive at Indianapolis. The publication of this letter, is unauthorized.

J. B. R.

[2] See above, 348-50.

[3] See above, 344-47n.

Noah Noble: Interrogation of Ray at Public Meeting in Indianapolis[1]

[July 12, 1828]

Noble. Please, Gov. Ray, to state whether you have not always professed to me to be an Administration man, and whether you did not last winter authorise me to assure the Administration men of the Legislature, that you were and wished to be considered an Administration man?

Ray. I told you I was for the measures of the Administration.

Noble. Did you not tell me you were for the men as well as the measures of the Administration, and authorize me to say so on your behalf?

Ray. I did not.

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[1] Indianapolis *Gazette,* July 31, 1828.

Noble. You certainly did. Did you not, since the date of your letter to Handy, pay your contribution of $5 towards the expenses of the Administration party?

Ray. I did.

Noble. In your letter to Handy you say that Gen. Jackson's letter has satisfied you. Now state, whether you did not shortly after the receipt of that letter, assure me that it was unsatisfactory, and that you were surprised that a man of Gen. Jackson's standing should be guilty of such an evasion?

Ray. I did not.

Noble. Please, Maj. Vigus, to state what Gov. Ray told you respecting Gen. Jackson's letter?

Vigus.—He made remarks to me about the letter like those you have mentioned.

Noble. I wish, Judge Wick, that you would state what Gov. Ray said to you about Gen. Jackson's letter?

Wick. He told me it was not satisfactory to him, it might please the unintelligent and unenlightened of the Jackson party, but men of sense would think it a mere evasion.

Ray. Did I not go on to say that I was satisfied with the principles of the letter, but was sorry Gen. Jackson had not gone more into details?

Wick. I did not hear such language from you. You made no qualifications of what I repeated as your words.

Noble. Mr. Fletcher, please repeat Gov. Ray's language to you, on the subject of Gen. Jackson's letter?

Fletcher. He stated that it was unsatisfactory and evasive; and he made no qualification of the language he used.

Noble. Governor, in your speech you say you have published the sentiments contained in your letter to Handy, in 37 counties, and that you do not regret it.—Why then did you request Handy not to publish your letter until after the election?

(To this question, Gov. Ray made no answer.)[2]

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[2] The report of this exchange between Noah Noble and Ray forms part of a lengthy communication of Noble's printed in the Indianapolis *Gazette,* July 31, 1828, in which Noble tried to explain why he had withdrawn his support from Ray. His contention was that Ray had changed his political views since the preceding winter, that at that time

Robert Glidewell to Ray[1]

GREENCASTLE July 13th 1828

DEAR SIR I take now the opportunity of complying with the promise I made you while you were in this place; I see nothing that promecis any thing unfavorable to you in this county in the pending election; your letter to Handy excites some little interest with some individuals; since it made its appearance here; but will not create any injury to you in my opinion so far as I can understand its effects; but the peoples minds are in such a state of agitation that it is hard for me to tell who they may settle down upon before the election; your presence had a good efect in your favor at this place.

I inclose in this short letter a recommendation for the appointment of county surveyor; and if I should so fare meet with your favor as to receive that appointment I should cheerfully receive it; the former appointment for this county (Putnam) will expire the 28th of August next; but as Mr. Paterson as have understud has moved out of our county, and there is no principle surveyor, for that [job] but myself who is his deputy [there] would be no impropriety in [making] the appointment before the commission of itself would expire;[2]

Yours with due respects

ROBERT GLIDEWELL

J. B. RAY, Governor of Indiana

[Endorsed:] Robert Glidewell surveyor of Putnam September 6, 1828

he had been an avowed Administration man. The above interrogation, in which Ray flatly denied Noble's statement, was held by Noble at a meeting addressed by Harbin H. Moore and Ray at Indianapolis on July 12, as an effort by Noble to clarify Ray's stand and draw the line more sharply between Ray and Moore.

As additional evidence for accusing Ray of deception and reversal of position, Noble included a letter from William W. Wick which said that after Ray had received his answer from Jackson, he had stated among his friends that the answer "seemed to operate only on the ignorant and unintelligent part of the Jacksonians in Indiana . . . that men of sense would understand it to be, what it really was, an evasion of the question."

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

[2] According to the *Executive Proceedings* (pages 261, 571), Joseph

Ray to the People of Indiana[1]

[July 14, 1828]

It has at length become my unpleasant task to say something to my fellow citizens, with respect to a controversy of their own, and in which I had solemnly prayed, I might never be forced by any circumstance whatever, to engage. But, learning that in the course of a few days past, that the state is filled with lies and misrepresentations, intended and calculated to destroy my election and myself forever, I feel it a duty I owe to my political friends, to the state of Indiana and myself, to step forth and meet the flood of calumny, which my base political enemies are now thundering in the ears of the people. Never has man suffered more than I have, from slander, treachery and ungenerous persecution. I ask my fellow country men, in the name of immutable justice, to pause for a moment, and listen to the simple story of my wrongs. They are more than I can bear; and I must now call upon the magnanimity of all to arise and redress my injuries, committed upon me, by base combinations. The dogs of war are again let loose upon me. Look my fellow-citizens at the *time* when slanders are fulminated against me. All is kept as still as the grave, until a few days before the election, and then, all at once, a concerted attack is made upon me in every quarter of the state, when it is impossible for me to go every where to explain. I can now, with propriety, exclaim, Oh tempora, Oh mores. Is it possible that the people, after they have been so many times deceived, will believe all that they hear floating through the land on the wings of the wind? Have they forgotten that assertion is not proof?

My political opposers have made the discovery, that the public mind is inflamed to that degree at this time, on the presidential question, as to enable them, by misrepresentation, to

Patterson was commissioned surveyor of Putnam County, August 27, 1823, and on January 3, 1824, John Baird was appointed to the office. The length of term of the surveyor was not designated by law at this time.

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[1] Indianapolis *Gazette*, July 17, 1828.

controul my fate by it. Their business seems to be at this time to lay aside all else and take advantage of the alarming flame which is spreading through the land, and which threatens destruction to the very temple of our freedom, and to crush me, because in common with others, I enjoy the freedom of opinion. Though I may be cut down for enjoying my political and religious liberty and rights, I shall never envy the immortality of those, who effect it, by riding upon the whirlwind. I shall suffer a glorious martyrdom, at the shrine of those rights secured to me by the constitution of my country.

In the first place, censure has alighted upon me, because I would not come out and identify myself with the friends of Gen. Jackson or the friends of Mr. Adams in the contest about the presidency. I resolved at an early period, to occupy *neutral ground,* that I might be at liberty to do justice to both the distinguished men before us, and to their friends.—Whatever *individuals* might think themselves authorised to do, not in office, I could take no other stand, as the Governor of the state. I was elected Governor of Indiana when no party question was made by the people in common; and when I saw an attempt making to throw the state into two parties, I determined that I would not become the executive of one party to the exclusion of the other. Being elected by *both* parties, I must continue the Executive of both, as long as my term lasts. The constitution, which I am sworn to support, compels me to execute the public will in all things. This means the will of the majority. Pending any question, then, it is my duty to stand still, until the question is settled, that I may be enabled to execute the will of the majority, without any bias which the prior expression of opinion might leave on the mind, and without suspicion. I now stand on neutral ground, with my hands untied, uncommitted to any party, and if I am to do the people justice in my office, so I must remain.

I have been censured by some who have no charity for the opinions of others, because I have said that I entertained a high opinion of both Gen. Jackson and Mr. Adams. I am justified in thinking much of them both, because they had good opinions of each other. Mr. Adams at one time was the eulogist and defender of Gen. Jackson; and Gen. Jackson, in turn, has been the eulogist of Mr. Adams. I am justified in having a good opinion of Mr. Adams, because George Washington entertained it, and said of him many flattering things, such as, that he was the ablest of our foreign ministers. Thomas Jefferson, James Madison and James Monroe, severally appointed him to high and responsible offices. Gen. Jackson was also confided in, in like manner, by all of our ex-presidents. Yet I am censured because I say that I am friendly to both of these men, and to *their* friends.

Two great men have come in contact, and we must choose between them. If I cannot be elected, because I will not come out and abuse one or the other of these men, then I must fall. If the friends of Mr. Adams suppose that I must win their votes by coming out and crying huzza for Adams; this is what I shall not do. If the friends of General Jackson expect me to come and cry huzza for Jackson; this is what I will not do. When either of these men have been assailed, unjustly, I have spoken the truth of them, I presume that more than an hundred letters have been written to me at various times, and by various individuals, in Indiana, requesting me to state what I thought of these two men. I have uniformly spoken well of them both in my replys, speaking of them as *men,* and not as *candidates* for office.—But I do now boldly state that if any letters ever have made their appearance, or ever shall, which makes me say that I would vote for either for the Presidency, I pronounce them *base forgeries.* I have written favorably of them both. I have spoken as I ought of both but I have always said, that in giving my *individual* vote at the polls, by ballot, a right secured to me by the laws and constitution of Indiana, I would be governed by *measures* and not *men.* It has been said, that I have written letters to Jackson men, declaring that I should vote for Jackson—and also to Adams men that I should vote for Adams. These charges are false.—The course I have taken in elections, gives the lie direct to such accusations. I have been in thirty odd counties, and addressed the people, both Adams men and Jackson assembled together, at the same time, and my course has been uniform every where.

The Hon. Thomas H. Blake, the Representative in Congress in the first District has been with me in ten counties, and he will tell the world, that my course has been uniform. I have told the people everywhere, on the stump and by letter as I have always admitted *publicly* and *privately,* that I was in favour of the present Administration, and have reasoned to convince the people, that they ought to be so too. I am now in favour of it, and I am confident I ever shall be in favour of it, whilst the essential measures of the west, are so ably vindicated as they are. When I say that I am in favour of the present Administration I mean the *cause* of the Administration—the *measures* of the Administration and not *men.* I will never bind myself to any man. Ours is a government of *laws* and measures & not of men. A man may be a good man to-day, and to-morrow he may be a villain.

If John Quincy Adams, is re-elected President of the United States, and *continues* to support good measures, I shall support him, otherwise not. If Andrew Jackson, shall be elected and shall be in favour of good measures, I shall support him, not otherwise. If the man I vote for at the polls does wrong, I must admit it. To use the language of a great statesman, I care not so much, who governs our country, as that my country shall prosper.

At the last Presidential election, I voted neither for Mr. Adams or Gen. Jackson, I voted for Mr. Clay. I done so, because I believed him to be a great man—the friend of South American and Grecian liberty—the friend of internal improvements and domestic manufactures—the man who has endeavored to give universal freedom, and to strike from the oppressed African his bonds—his fetters. These same motives will controul me, when I shall give my vote at the polls next November for President. For me to say in these times of great excitement who I shall vote for, would be offering a direct bribe to the people. No officer who shall be elected next August, will have any thing to do with the Presidential election. There is no reason for making a question of it. A man should be elected Governor of the state upon his own merits, and not upon the popularity of an other man. Whenever the names of two popular men, shall controul all state elections, the people will have their liberty on paper, but not in reality.—Despotism soon follows.

I will now proceed to tell my fellow citizens, of the manner in which I have been treated by men sailing under Presidential flags, and who have stood prepared to sacrifice either Adams or Jackson, to destroy me. At my last election I was opposed by certain lawyers and other official men. These same men, instead of bowing to what the people had done, proclaimed opposition as soon as I was sworn into office. And as it happened they were and are still, generally Adams men. These men have again voluntarily placed themselves at the head of the Administration party in this state. Last winter they sat on foot plans to ruin me. The Presidential conventions told a tale which is recollected by many. Last winter when the two conventions sat, these Administration men, and enemies of mine, proposed to the Jacksonians and requested them to draw the line and bring out a candidate for Governor; and then assured them that they would do the same thing, and in that way they could defeat me, on neutral ground. And if they found they could not leave me out in that way, they would then join the Jacksonians and so defeat me by a concentration of two parties. And if I became an open friend for Mr. Adams, they were prepared to bring out another candidate on the same side. This was the kind of management, attempted to be played off upon me. Things passed on until the month of May, when letters and information poured in upon me from every quarter, that the Administration men, were about to draw the line upon me, and bring out Harbin H. Moore, John H. Thompson or William Graham, on the question, all avowed Adams men. Well, I thought this course a strange one indeed; also I could scarcely believe it until further information came to hand. I received the following resolution which was enclosed to me by the chairman of the Jackson Central Committee, as having passed that body.—It reads as follows (viz:)[2]

Thus speaks the resolution. Whether this resolution was passed, and sent to me to entrap me or not, I cannot tell. But what answer should be made to it was the question. Could I say to the friends of General Jackson that I would not have their support when voluntarily tendered, then they would have turned their backs justly on me, and have said with just wrath, we shall have nothing to do with Gov. Ray. The friends of General Jackson constitute a part of the people of Indiana, and are entitled to notice as much as any other people. I am not ashamed to acknowledge, that I was thankful for their friendship. I was elected before by Jackson men and Adams men jointly; & I never heard it urged before that it was a disgrace to me to consent to be supported by the friends of Jackson. I cannot prevent the support of any of my fellow men. I do not wish to make distinctions. Whatever has been said or written in a *loose, careless private* and *confidential* way, and never intended for the public eye, (or explanation would have accompanied my remarks) I claim before a candid world, the privilege of qualifying; and of laying before it the real sentiments of my mind. I have too often, it is true, written in a very loose and general manner; what I would always claim the right of explaining. Whatever has been said, has been with an eye single to the *condition* proposed to me by the Jackson committee, that *if* the opposition (that is the Adams party) drew the line upon me standing upon *neutral ground,* that they would step forward and save me upon the same ground. Whatever was said, was to be considered as if it never had been said, as a perfect nullity unless I was *first* forced from the ground on which I stood—unless I was compelled to throw myself upon the mercy of any, who might think proper to support me.—I have ever been opposed to drawing the line; and was determined that I would not throw the *first* stone. But I have rights as well as others; and felt no disposition to be sacrificed, because I had occupied neutral ground. Because I would not become a *partizan.* Because I would not prostrate the office of Governor for party purposes. This was my sin. If I ever said, that I believed Jackson ought to have been elected, my reason was that he had a plurality of the peoples votes, and majorities should govern; yet, I believe that Mr. Adams was *constitutionally* elected. If I have said that I disbelieve the charge of bargain and corruption, I mean, because sufficient evidence has never met my eye to establish it.

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[2] The resolution is given above, 343-44.

If I have said that I discredit the charge upon Jackson, that he is hostile to internal improvements and the protection of home industry, since the receipt of his letter to me on those subjects, I wish not to be understood as meaning to say, that it was his answer to my letter, standing alone from any acts of his, that satisfied me, or that I am yet satisfied that he is in favor of either of those systems, to that extent which I would wish. His vote in the Senate of the U. S. and his letter have satisfied me, that he believes that the United States have a constitutional power to prosecute those systems; but the General has not in detail, as to matter of expediency, made himself explicit. His answers to questions, were not direct as to particulars; but if he is in favor of any tariff at all, he thinks it constitutional—if he is in favor of internal improvement at all —he is in favor of the system; and this is all the opinion I have expressed. And when I say I had doubts before I addressed him, I mean as to the constitutionality of the systems; and they are removed. If I have said of the General, that as between him and Adams, my old feelings are renewed, I intended and meant to speak of them as *men*—as *individuals;* and not as *candidates* for the *Presidency.* If I have erred in saying to the friends of General Jackson, I am in your hands, dispose of me and my name as you in your wisdom think proper, it is an infirmity of my nature; for if the humblest man in society should express a wish to vote for me, I should tell him the same thing, and *thank* him *too;* and let the first candidate for office that will not do it, speak. Have I erred in apprising the friends of General Jackson, that I should not become a *partizan,* and wished to be elected on my *merits?* Whilst I consent to receiving the votes of the General's friends on my merits, I tell them, that that shall not make me a partizan. I might well admit that I would not undo what they did in state elections, because I had not the power to do so. The people controul me, not me them. If I said that I would admit, the election to be a test of strength, I meant to fix that idea to the *condition* proposed in the resolution of the committee, that if the Administration men drew the line upon me, by which they all went against me; and I was without any act of mine unavoidably compelled to throw myself upon the mercy of the friends of Gen'l Jackson, for my election, standing on neutral *ground,* that I would not afterwards tell a lie about it. If true, that they did elect me, I must say so; and so I would say, if elected by the friends of Mr. Adams in a party controversy. But I surely intended to speak of the election of myself and my competitor, and not Jackson's and Adams', when speaking of a *test* of strength. If I objected to the publication of my letters, it was to support the position, which I took originally, that I would not meddle with the Presidential election; knowing that a publication of any thing I might write to the committee would be deemed an interference. If the friends of General Jackson proposed to take me up, knowing as I declared to them, that I was in favor of the measures of the present administration, and upon neutral ground, and neither *against* them or *for* them, to save me from the cruelty of a party about to crush me because I would not abuse Jackson, what other acknowledgement could I make to them, than to say in truth, that I stand committed to admit, as strong as the Andes, that they elected me? This was all the committal meant, and upon the conditions named. The Jackson committee made the *proposition to me—not me to them.* Examine *dates* of Resolution and answer. But it now gives me great joy to discover and believe, that no party question will be made—that all men will be elected upon their merits. This was the way in which I have been desiring elections to take place. Faithful public servants will not be thrown away, and giddy and untried ones placed in their stead. Harmony and good will, I hope will again be restored. And I now pledge myself to the public, that if the Administration men or Jackson men do not make a question, if they will prove by their acts, that they will not vote for my competitors, because they are Adams men or Jackson men, and I am elected, (as I believe I will by a large majority,) after the election is over I will come out and declare to the world the fact, that I was elected by no party whatever, but by both the friends of Mr. Adams and Gen. Jackson. When the people come to the polls to vote for Governor, they ought not to enquire for a moment, whether the man they intend voting for is an Adams man or Jackson man, for the Governor has nothing to do in making a President, more than giving one vote with the people at the polls.

A charge has been going the rounds, that I called the Jackson party an outrageous and violent faction, at Brookville some time since. This is false—and the Editor from whom it was said to come, has since admitted in his own paper, that he never asked me any such a question. It has also been said that the tavern registers over the mountains, show a contradiction in my recording my name—that I sometimes wrote Adams, and sometimes Jackson. This also false.

My fellow-citizens, this is the last time I can have an opportunity of addressing you until the election. To-morrow I shall leave this, not to return until after August. My enemies may apply to me every kind of epithet, and I shall not know it. They may circulate the basest slanders and forgeries, and I cannot answer them. Whatever ought to have been said, should have come out in a Governor's election, three months ago, in justice to me.

Look out for certain wise lawyers, who will oppose me, because I have said I would revise the laws. Let not the maxim be verified in this election, "that party is the madness of many for the benefit of a few." Examine what I have done for your state since I have been in office, and remember, that I have three years to serve if you elect me, before my constitutional term expires, and I am certain you will award me justice. Whilst my enemies are writing my infirmities and errors in brass, I look to the people, the people in common, to place some of my good deeds on the same table.

JAMES B. RAY.[3]

INDIANAPOLIS, July 14.

J. W. Reding to Ray[1]

INDIANAPOLIS—August 6th 1828

A petition of J W Reding to His Excellency James B Ray Governor of the State of Indiana

Your petitioner sheweth that he was fined by a court of assessment in the year 1827 for not acting as a corporal at a drill muster—when your petitioner did not know that he had to perform any sich services untill the Evening of the first days drill & your petitioner did after that time attend & discharge all the duties required by law of corporal in Capt Freemans Rifle Company Knowing that I was not Legally notified Capt Freeman told me there would be no X against me But the collector Col. Russell has a claim against me for two dollars which is unjust

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[3] How much influence Ray's letter had in vindicating him in the eyes of the electorate cannot be estimated. The election was too close for much editorial comment in the weekly papers. That he had not acted with political acumen seemed to be agreed by both his enemies and supporters. The Centerville *Emporium* (quoted in the Indianapolis *Gazette* of July 31) summed up the affair as follows: "The conduct of the Governor has certainly been imprudent, and he will be seriously injured by it; for aught we know the stab may prove a fatal one, but the people cannot but reflect that he has been a faithful servant. . . . Let all go together, and then let the people judge for themselves, is our creed."

The election proved the stab not fatal. Ray was better known to the people than either of the other candidates, and his early entrance into the campaign had helped him to build up a lead that could not be overcome. However, time was to prove that Ray's political position was certainly weakened by the disclosures of the campaign. For the election results see below, 370n.

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[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

therefore if your Excellency will remit sd fine your petitioner will be in duty bound & ever pray &c &c[2]

J. W. Reding

Govr. J B Ray

Editorial in Centerville *Western Times*[1]

[September 26, 1828]

GOV. RAY'S POLITICS.

As we anticipated, the election of Gov. Ray is claimed by the papers on each side of the presidential question, as a triumph of their party, in this state.

From the Georgia 'Southron,' a leading Opposition paper, we copy the following:

"*Indiana.*—In this state the administration candidate for Governor, Mr. Moore, has been left behind by the regularly nominated Jackson candidate, Mr. Canby. Mr. Ray, however, the present Governor, succeeded in beating both. He declared before the election commenced, his willingness to be run as the Jackson candidate, and that his election should be considered as the triumph of the Jackson party in that State."

The 'N. Hampshire Journal,' a paper of the first order, on the side of the Administration, makes the following remarks on the same subject:

"The late Gov. Ray, was re-elected, having in 24 counties, more than 1000 majority over the Jackson candidate, Dr. Canby. Moore, another administration candidate, had 6419 votes."[2]

Many other respectable papers have used similar language, until it seems to be a matter of doubt, and of controversy, which

[2] A second petition asking remittance of the fine was dated August 25, 1827, and signed by A. W. Russell, Col. Commanding, George L. Kinnard, Lt. Col. 40th Regt., and Isaac Stevens, Major 40th Regt. It is endorsed "Remitted."

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[1] This was an Administration paper. However, its summing up of the campaign and election seems to cover the situation so well that it was decided to include the editorial here.

[2] For the official returns see *post,* 370n.

party can properly claim the Governor; and perhaps there has been no election which has afforded *both* parties a better opportunity for claiming the victory, or less evidence that one has been gained by *either.*

Now it may be possible that we know more about this matter than persons at a distance, and, therefore, as it is a matter in which the people of Indiana, as well as our friends at a distance, still feel an interest we now give it a notice.

We have heard the governor, repeatedly, both in private conversation, and in his public speeches, declare his partiality to Mr. Clay, and also to the measures of the present Administration. —The following extracts from his written declarations to the public, a short time before the election, are sufficient on this point:

"At the last Presidential election, I voted neither for Adams or Jackson, I voted for Mr. Clay. I did so because I believed him to be a great man—the friend of South American and Grecian liberty—the friend of internal improvements and domestic manufactures—the man who has endeavored to give universal freedom, and to strike from the oppressed African his bonds—his fetters. These same motives will controul me, when I shall give my vote at the polls next November for President."

"I have told the people every where, on the stump and by letter, as I have always admitted publicly and privately, that I was in favor of the present Administration, and have reasoned to convince the people, that they ought to be so too. I am now in favor of it, and I am confident I ever shall be in favor of it, whilst the essential measures of the west, are so ably vindicated as they are. When I say that I am in favor of the present Administration, I mean the *cause* of the Administration—the *measures* of the Administration and not *men.*"

But while he was, as we thought, sufficiently decided on the question, he was prudently cautious to give no offense to the Jackson party; but that they understood his sentiments to be against them, is evident, from their nominating Dr. Canby, as their candidate. Party heat, in the wide spread rage of its intolerance, seemed likely to sweep every vestige of republican principle before it, and the idea of two *party* candidates justly alarmed the Governor. The Jackson committee were aware of it—Mr. Handy, their president, wrote him on the subject, and under the most positive declaration of secrecy and friendship obtained from him the letter containing the declaration alluded to by the Southron. Mr. Moore was then the only candidate against Ray, and both were supposed to be Administration men. The declarations of the Gov. in favor of the Administration, gave offence to the Jackson committee,—they called on Handy for the secret letter,—had it published a few weeks before the election,—and Mr. Canby again brought forward as their candidate. At such conduct many of the friends of both parties were offended, and while they passed the most severe censures on Ray for writing the private letter to Handy, they supported him, because he had filled the office to their satisfaction, and had been, as they thought, unfairly treated. This is the true state of the case; and although we entertain no doubt of the Governor's being favorable to the Administration, we feel it our duty to say, that while we are anxious for the re-election of our present able and virtuous Chief Magistrate, and have but little doubt of his receiving the vote of Indiana, the re-election of Gov. Ray is no evidence that he will or will not.[3]

Ray to the Public[1]

[Prior to October 18, 1828]

If the undersigned had not been called upon, by the Editors of Newspapers, on both sides of the Presidential question, to redeem a pledge which he made in a hand bill, prior to the late election for Governor in Indiana, until his health was in some

[3] Jackson carried the state by 5,309 votes. Vincennes *Western Sun,* December 6, 1828.

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[1] Lawrenceburg *Indiana Palladium,* October 18, 1828, from the Indianapolis *Gazette.*

degree restored,[2] their importunities would have been superceded by a publication which he intended at all times to make, when it became necessary. Before the last election, I declared verbally and in writing, to the public, that, as between General Jackson and Mr. Adams, I had maintained, and should preserve a strict neutrality; that I was opposed to *partyism,* and to the anti-republican modern practice of electing State Officers, upon the merits and popularity of other men—and that my name could not be used by either of the parties, in that way; nor could I consent to an election upon such dishonorable grounds. It was also stated by me, that if I were the successful candidate, after the election was over, should either party claim me as having been elected by them exclusively, a statement of facts would be made. An extensive tour through the state, and an intimate acquaintance with the politics of the people enable me to say, with great certainty, that though elected by a majority of about twenty-five hundred votes over my Jackson competitor, Doctor Canby, and between four and five thousand votes over my Administration competitor, H. H. Moore, esq. I feel free to assert that I was *not elected* by the friends of either side in a *party* controversy. In some instances, counties decidedly Jacksonian, gave me majorities. In other cases, counties known to be undoubtedly for the Administration, gave me majorities. Wayne, for instance, a strong Administration county, gave me fifteen hundred. The votes I received were for Governor of the State, and not to effect any other purpose.[3]

Respectfully, the public's ob't. serv't.

James B. Ray

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[2] Ray was taken seriously ill with a fever about the time of the August election and remained in a serious condition for several weeks. At one time it was reported that he had died. Centerville *Western Times,* August 29, 1828; Lawrenceburg *Indiana Palladium,* August 30, 1828.

[3] The official returns of the election gave Ray 15,141, Moore 10,904, and Canby 12,315. The vote for lieutenant governor was Milton Stapp 17,895, Abel C. Pepper 17,262. Marion County gave Ray 600 votes to 259 for Moore and 56 for Canby. In Jefferson County, Canby's residence, Ray got 628, Moore 360, Canby 506. Moore carried his home county of Harrison, winning 768 votes to 350 for Ray and 203 for Canby. Indiana *House Journal,* 1828-29, p. 29, and Appendix A.

Curtis Gilbert to Ray[1]

VINCENNES October 30th 1828.

DR SIR, Information which may be relied on has just been revealed here of the death of Nathaniel Huntington. He died at New Orleans on the 29th September last. He was the member elect of the House of Representatives of this State from the county of Vigo. His death has therefore caused a vacancy which we shall require your authority to fill and that as soon as the nature of the case will admit, as the session is so nearly at hand.

Yours &c.

C. GILBERT

HIS EXCELLENCY JAMES B. RAY.

[Endorsed:] Let duplicate writs of election issue Ray Nov 4, 1828.

Young L. Hughs, *et al.*, to Ray[1]

[November, 1828]

HIS EXCELLENCY J BROWN RAY Governor of the State of Indiana—

Your petitioners would represent, that Joshua Allen of Hendricks County in sd State was on the 23d day of July—1828 fined by Young L. Hughs Justice of the Peace in said County Ten dollars for swearing ten oaths—Your petitioners consider the fine oppressive for the following reasons, Towit

That said oaths were not sworn to the terror or disparagement of any person religusly conciencios, or in the presence of any court or person doing business—But that complaint was made by a person altogether through mallice—And we consider that the fine if collected would so impoverish Mr. Allen that his family might suffer—We also recommend Mr. Allen

[1] ALS. IHS: Wm. H. English MSS.

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

as an honest and industrious citizen—We pray your excellency to cause said fine to be remitted & in duty bound will every pray

Young L. Hughs J. P.

[and 58 others including the jurors that tried the case]

[Endorsed:] Remitted—Ray Novr 27, 1828

Ray: Message to the General Assembly[1]

[December 2, 1828]

Gentlemen of the Senate, and of the House of Representatives:[2]

I feel myself imperiously called upon to declare, that the people of Indiana, are under no ordinary obligations to the Supreme Ruler of the Universe, to make to HIM their most profound acknowledgements, for the general diffusion of those divine benefactions, which have so signally characterized the past year. Peace, plenty and an increase of moral feeling, have since our last assemblage, blessed our growing community, with all their consolations in full fruition. And if a dense population, is in any respect essential to the happiness of a people, or the prosperity of a state, the continuous influx of emigration, which we are now experiencing, without a parallel, augur the most auspicious results to both. Our Agricultural interest, more than any other, the object of our regard, is likely to receive additional encouragement, from the hostile attitude which the nations of Europe, are assuming towards each other. The late rise in produce, (flour commanding $8 50 per barrel in the city of Baltimore) is most likely the effect of a cause, which it is very probable will not cease to exist, until it is sensibly felt in the western country, the grainery of America, in a beneficial manner, by its industrious yeomanry. If other nations will impoverish and disorganize themselves, in fruitless sanguinary wars, to gratify a fell desire for increased glory or enlarged territory, to satiate the vanity of ambition, without reason to justify the wrong, and create the necessity by the suffering armies they embody, let ours be the pleasing task of plucking the fruits of their folly.

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[1] Indiana *Senate Journal,* 1828-29, pp. 10-20. Also in *House Journal,* 1828-29, pp. 15-25.

[2] The Indianapolis *Journal* commented as follows on the message: ". . . although less voluminous than any heretofore communicated by the same individual, yet in the opinion of many, contains no small share of extraneous matter. Be this as it may, it appears to us as the least exceptionable on that ground of any of his annual communications; and will be found to contain much for reflection and calm consideration." Issue of December 6, 1828.

Since our last separation, whilst we have witnessed with anxious solicitude, the belligerent operations of another hemisphere, the cross contending against the crescent, and a prospect of a general rupture amongst the legitimates of other quarters of the globe, superadded to the gloom which now hangs around the infant Republics of South America, our attention has been arrested by proceedings in our own country, truly dangerous to liberty, if seriously premeditated, and disgraceful to its authors, if agitated *only* to tamper with the American people.[3] If such experiments as we see attempted in certain deluded quarters, do not fall with burst of thunder upon the heads of their seditious projectors, then, indeed, the republic has began to experience the days of its degeneracy. But, the enormity of the act, really weakens the credence which might otherwise be attached to the motive. Surely discord is not seated in her ancient throne so soon, in the land of Washington. These doings, we hope, are but the shadows of a vision. The union of these states is the people's only sure charter for their liberties and independence. Dissolve it, and each state will soon be in a condition as deplorable as Alexander's conquered countries, after they were divided amongst his victorious military captains. If it were believed, that those efforts for disunion, which have been recently made in some of the Southern states, are the work of reflection, they should be met at once with that indignant expression of disapprobation, by the state authorities, which such treasonable designs, should always call forth from the pen and tongue of the patriot.

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[3] The reaffirmation by South Carolina of the doctrine of nullification. The editor of the Washington (D. C.) *National Intelligencer* has this to say of Ray's message: "It is a long but respectable document. It speaks in very decided terms in favor of the 'American System,' and condemns the proceedings in the South in opposition to it." Quoted in Indianapolis *Gazette,* January 8, 1829.

No causes, such as are alleged, ought ever to be deemed sufficient to separate these states. They must be kept together *peacibly* if we can, *forcibly* if we must.

It is a mistake in those who suppose, that the Western states are dependent upon the cotton of the South, as an indispensable article of their necessities. These states are furnished with the most perfect means of independence. We consume considerable Southern cotton, it is true, but, if the productions of our soil, were not exchanged for it, how marked would be the diminution immediately, in the quantity consumed. And if our horses, hogs, cattle or other staples, shall ever be excluded from Southern markets, by unconstitutional laws, or non-consumption agreements, it will but give an impulse in these states, to the culture of *cotton,* hemp, flax and wool, which will soon take the place of foreign cotton. The newly invented machinery for manufacturing these articles, into a great variety of fabricks, once successful, our necessities for cotton, from other states, must soon grow as limited, as their's would seem to be, for our commodities. Be this as it may, it is an error to presume, that the people of Indiana, can be induced or forced to abandon their favorite internal improvement and domestic manufacturing systems, to secure to themselves the *comfort* and *honor* of wearing Georgia or Carolina cotton, whilst their own climate and soil, are capable of producing their variety of superior raw materials.

Except what has been referred to, nothing has occurred in our excellent country, to disturb the tranquillity of the people, or impair in the least, their progressive prosperity, since the people's representatives last consulted together, worthy of notice; unless the excitement which has arisen, and the example sat, by the late animated controversy for a Chief Magistrate of the nation, and the unusual and dangerous means resorted to, to effect the end desired, shall inflict a wound upon our admirable institutions, of a character too deadly for even time in the plenitude of her sanctifying influences to heal. Then, indeed, this will be marked on the pages of history, as a year memorable for its misfortunes. But, the fondest hopes are cherished, that all of those wicked schemes, embittered feelings, acts of imprudence and dreams of ambition, engendered by the late Presidential election, will now, find a sudden oblivion, and that our Constitution, will still be saved, the Union preserved, and the General Government be administered with wisdom, prudence, and success. Let the head be sound and the extremities may recover.

The treatment which candidates for office and public servants too frequently receive, from the highest to the lowest; the practice of saying all manner of false and evil things about them—of slandering them without mercy—of attempting to bring them into disrepute, to destroy their usefulness—of questioning their motives and misrepresenting their acts, private and official, deserve the unqualified animadversion of every friend to good government in the country—of every friend to character — of the lover of justice — the lover of liberty and mind. Such wanton licentiousness, must in the process of time, induce talent, sensitive and modest worth, to leave those public stations in the government, where they might honor and bless their country and themselves, to be filled by the ambitious demagogue, the designing partizan, and sometimes the detractor of reputation himself. It is true, that the public servant, is the property of the people, as far as it respects a free investigation of his conduct—is at all times subject to their *legal* will and *sound* discretion; but, it never can be admitted, that because he assumes the character of a servant, any of his rights can be invaded with impunity, his reputation plundered, *his person insulted and abused,* or his feelings lacerated, without a palpable violation of the obligation which exists between him and the constituent.

In obedience to an act of the last General Assembly of this state, on the 4th of February 1828, I addressed a communication to the then Secretary of War, Mr. Barbour, for a construction of that part of the treaty of 1826, made with the

Pottawatamie Indians, which relates to the cession of land, for a road, from Lake Michigan to the Ohio river; and in the month of April last, received the reply of the Secretary; which letter and answer, will be laid before the Legislature for its further information.[4] It may be stated, however, for the public satisfaction that the Secretary at War, coincides with your Executive in opinion, that the State of Indiana, will not be confined, in the location of the sections of land, to the line of the road, in all cases where good land cannot be found along its margin; but, may select such lands as she is willing to accept of. It is also suggested by the Secretary, that it might be proper to consult the Indians as to the length of the road, and where it shall terminate at the Ohio river. But, that the state is constituted the sole trustee of all the parties, with full power to do what she in her wisdom may think proper, is not doubted by the Secretary of War. It now remains for you gentlemen, so to manage this grant, as to meet the wishes of all concerned; and without procrastination to cause its benefits to be realized. I would suggest that to sell the land, before the road is finished or even commenced, is at a single stroke, to sacrifice a considerable portion of this valuable boon, unnecessarily. Funds it is believed, may be raised by mortgaging the lands at an agreed estimate, and the mortgages be redeemed in due time, by the proceeds of the same land sales, at an advance far exceeding the amount of interest, which would accrue. Not having been informed by the Commissioners appointed to locate this road, what progress they have made in attempting to discharge their duty, it will be expected, that they will in a direct manner, lay before your honorable body the result of their labors.[5] That economy, which it would be desirable to see practised by all bodies who hold the purse strings of the people; and that lofty magnanimity, high sense of justice and steady devotedness to the *general* and not *local* interest, which to the honor of Legislators, should predominate in their councils, call loudly, upon this occasion, for a spirit of compromise, equal to the hitherto apparent difficulties, which it will be necessary to overcome, in order to fix upon a point on the Ohio river, at which this road shall terminate. When legislation fails to effect this object, it is earnestly hoped, that it may not produce a further suspension of the progress of the road; but, that the dernier resort of Commissioners, selected by joint ballot, will be appealed to, whose duty it shall be to examine the country and the different eligible points at the river, as well as to consult the Indians, and then, by acting decisively, put a period to this contention, which appears to be unhappily intermingling itself with both the *politics* and *legislation* of the state. A prompt and decisive course is recommended in settling this question.[6]

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[4] For this correspondence see *ante,* February 4 and March 1.

[5] See their report of December 8.

Any notice of the correspondence, which was opened during the past year, in virtue of the joint resolution of the General Assembly, between the Executive of the State of Ohio, and the Executive of Indiana, with respect to the grant of lands, made by Congress to this State, for a Canal, it is presumed, will be superseded, by the several acts of the last Congress of the United States, relative to that subject.[7] This correspondence, was evidently authorised to obtain the views of the Ohio authorities, as to the extent of this grant, and to ascertain the best plan for applying it to the common advantage of the two States. An act of the last Congress, ceding to the State of Ohio, all that part of the former grant, made to Indiana, lying within Ohio, to enable her to construct that section of the canal within her limits, to wit, from Fort Wayne to the Maumee Bay, settles one of these questions; and another act of the same Congress, authorising a convention, of the qualified agents of both states, to define and secure the rights of the states and their citizens, upon principles of reciprocity, whilst carrying on their commercial operations, on a channel, subject to two jurisdictions, provides for the other. Mutual pledges, should be exchanged in the form of Law, by the States, against levying at any time more than certain defined or customary duties, on produce or Merchandize. These important preliminaries, with other points, may be settled, by the commissioners which it is expected you will appoint, to negociate upon, and settle these questions.[8] In the mean time, a large portion of your deliberations, will doubtlessly be occuplied, in *devising* and *providing* the means to *prosecute* and *finish* the work with prudence, firmness and despatch. I cannot doubt the sincerity, that authorised the commencement of this State enterprise; and the plain alternative, which points to energetic steps, to secure to the State, the donation, the monies already expended, a market for our citizens, a high rank amongst her sisters, wealth, population, and general prosperity, cannot now be lost sight of, in this instance, by the friends of that beautiful and enriching system of internal improvements, which is now justly the theme of a majority of the American people.

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[6] No legislation was passed concerning the Michigan Road at this session except an act making appropriation for paying the commissioners for surveying and marking it from Lake Michigan to Indianapolis. *Laws of Indiana,* 1828-29, pp. 8-9. An examination of the Journals of both houses for the session will show the continuation of stormy sectional debate over the route of the road from Indianapolis to the Ohio River, no decision being reached. The two houses were deadlocked when the House insisted on terminating the road at the Falls of the Ohio and the Senate adhered to its amendment to locate the road to Columbus and leave it to the discretion of the commissioners to locate it from that place to the Ohio.

[7] See Ray to Trimble, January 31, 1828. The act authorized the state of Indiana to convey to the state of Ohio her rights and interest in land in Ohio granted to Indiana by act of March 2, 1827. U. S. *Statutes at Large,* 4:306; *ante,* 273n, 274-75.

The time has gone by for hesitation. We have already crossed the Rubicon. If we now push forward, like the states of New York, Pennsylvania, Ohio and other states have done, as duty, honor and interest prompt, a moiety of the means under any circumstances, must be raised by loan. The land, it sold for ready cash, will not produce a sufficient sum to cover the estimate of this undertaking.

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[8] The Assembly passed a joint resolution appointing a commissioner "to adjust the terms upon which the lands granted to this state by act of Congress of the 2d March 1827, shall be conveyed to the state of Ohio." *Laws of Indiana,* 1828-29, pp. 147-48. The commissioner elected by joint ballot of both houses of the Assembly was Jeremiah Sullivan. Indiana *House Journal,* 1828-29, pp. 351-52, 362; *Senate Journal,* 1828-29, p. 204. On February 19, 1829, the Indianapolis *Indiana Journal* reported that Sullivan had returned to his home in Madison from a visit to Ohio. The Ohio agent was Wyllys Silliman. He and Sullivan were to meet in Cincinnati on May 29 for further negotiation. See Sullivan's letter accepting his assignment, *post,* 426, and his and the Ohio commissioner's report, *post,* 493-96.

But, if a sale of lands, should be deemed prudent at all, before the commencement or completion of the canal, let there be only every other section brought into market; making one half of the whole, to be first appropriated for the summit level section. This section sold, might afford an opportunity to the cultivator of the soil, to furnish our workmen with provisions, a little earlier and a little cheaper than they could be obtained elsewhere. The one retained, would secure to the State, the increased value, which the finished facility, must attach to it. Yet, if money could be acquired by us, upon the same terms, that other states have obtained it, surely, it would be most politic to follow their successful example, and not sell our lands, until we *know* they are prepared to command the highest price. A *pledge* of the *state's faith and the lands,* subject to our right to bring any land, we think proper to sell, into market, as fast as the canal is completed through any portion of them, to extinguish the principal and interest, in whole or in part, will most likely secure a sufficient fund at once, at 5 or 6 per cent and prevent the inevitable sacrifice of a premature sale. If we can negotiate a loan, redeemable in ten or more years, upon fair terms, then, it follows conclusively, in my mind, in order to obtain a high price, that all lands sold, at any time, should be disposed of, upon the same credit; but, that the purchase money, shall draw an interest from the time of sale, corresponding with that of the loan.[9]

I received the surveys and estimates, of Major Moore, United States' Engineer, in the valley of the Wabash last year, in the month of August last, and laid them before the

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[9] The Assembly passed a joint resolution urging the Federal government to sell as soon as surveyed its reserved lands along the route of the canal since it was felt such a move would be "very beneficial to the citizens of Indiana, and greatly facilitate the progress and final execution of the work." *Laws of Indiana,* 1828-29, p. 146.

State Canal Commissioners, at their first meeting. No report has reached me, upon which I would predicate an opinion, of the data, these Commissioners have been collecting, by an actual examination of the route. They are responsible to *you* for their report of particulars.[10]

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[10] The report of the commissioners was made in both houses and referred to the committees on canals and internal improvements.

In the Senate John Ewing presented the committee report with a bill providing for commencing construction. Indiana *Senate Journal,* 1828-29, pp. 137-51. Ewing's bill is printed in the Vincennes *Western Sun & General Advertiser,* February 28, 1829. The report stressed the importance of the project to Indiana, considered the report of the canal commissioners and engineers, and discussed means of financing. His committee, as did that of the House, accepted the estimate of cost of construction of the U. S. engineers. The report opposed the state borrowing outright to start construction, and favored the sale of canal lands to get funds for construction to begin in three years. Lands were to be sold in half quarter sections, principal and interest to be paid in twenty years.

Samuel Judah made the report in the House and presented a bill. Indiana *House Journal,* 1828-29, pp. 169-92. The bill is given in the Vincennes *Western Sun,* February 14, 1829. This report, too, outlined means for financing. It advocated that the state borrow outright part of the money and sell immediately only what land was necessary to pay the interest on the loan and ordered the work to commence right away. The report also estimated possible traffic on the canal, and tolls and fares.

Neither of these bills passed. There was considerable maneuvering which can be followed through the pages of the journals of both houses and in the newspapers of the day. The act that was finally passed was very mild. It defined the route of the canal as surveyed, outlined the duties of the commissioners mainly in regard to selecting the canal lands, and appropriated a thousand dollars to defray the expenses of commissioners. Ewing entered a formal protest against the act (*Senate Journal,* 1828-29, pp. 344-45): (1) because it failed "to make some pecuniary provision for the advancement of the work," and wasted a thousand dollars on useless surveys; (2) because its adoption defeated his own bill which he still had hopes for and because it postponed for a year any real advancement of the project; and (3) because he feared postponement would permit speculators to buy up lands on the margin of the canal rather than the prospective farmer. After the close of the session Ewing had printed by the office of the *Western Sun* a seventeen-page pamphlet devoted mostly to defending his original bill and attacking his opponents. A copy of this pamphlet is in the Indiana State Library.

Judah, writing to his constituents on December 31, in the midst of

What has been the result of a corps of U. States' Commissioners, in service this season in the lower Wabash country, to ascertain the obstructions in that river, is not yet known by your State authorities.[11] The falls near the mouth of the White river, in the Wabash, has long since been known to be the principal obstruction to its free navigation. And their removal will be viewed as a work to be effected simultaneously with the Canal above, and as a continuation of it. The success of the latter, secures that of the former.

During the past season, about one million of acres of land, have been added to the already ceded territory in Indiana, by treaty with the Pottawatamie Indians, lying in the North Eastern part of the State.[12]

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the session, described the sentiments of his colleagues in regard to the canal: "A portion of the members think the whole canal project inexpedient, and another portion think that the measure is premature; all these gentlemen will gladly shelter themselves from responsibility by adopting the weakest, most dilatory, insufficient project. Another portion are fearful of committing the state, but are willing to do all they can, with that exception. All these and they are a majority will oppose my plan—to borrow money on the faith of the state, to sell as much land as may be necessary to pay the interest, and to proceed as rapidly as possible. . . . I am opposed to selling any land upon credit, which will entail a curse upon the state. . . . " He described Ewing's Senate bill as designed to appeal to "luke warm and pretended friends, and avowed opponents" of the canal. Vincennes *Western Sun,* January 17, 1829.

The Indianapolis *Gazette* was pro-Judah, asking, " . . . why delay the work, at this time? Shall the prospects of the people of the upper Wabash country be blighted, and the improvement of this valuable section of our country retarded, from a groundless fear, in our opinion, that the people of Indiana will not sustain their representatives to go on with the undertaking. For our own part, we consider the land as belonging to the state—if we go on with the canal—and should the canal not be completed, even in fifty years, we have too much confidence in the liberality of the government, to believe she will exact the pound of flesh. . . . " Issue of January 22, 1829.

[11] By act of May 23, 1828, the U. S. Congress had appropriated $500 for a survey of obstructions in the Wabash River between its mouth and Eel River. U. S. *Statutes at Large,* 4:289.

[12] The treaty was negotiated by Lewis Cass and Pierre Menard and was signed at the Carey Mission, north of the present South Bend in Michigan Territory, on September 20, 1828. For the terms of the treaty see Kappler (ed.), *Indian Affairs. Laws and Treaties,* 2:294-97. A

This purchase, embracing the whole Elk Hart country, is a very valuable acquisition, on account of its fertility, and will soon be densely populated.

The report of the Secretary of State, of the decision of the people, in the several Congressional townships, relative to a sale of section sixteen, will necessarily bring before you the interesting subject of common schools. It will appear, that large majorities have been given at the polls in favour of a sale. It is for the Legislature now to act. There are now few obstacles in the way. Our inhabitants, have seen the necessity, and call for an application of this gratuity, to educate their needy youth. The brightest prospects of our present infant population and their posterity, depend upon the wisdom with which this matter, is managed. We must bear in mind, that we are treading upon sacred ground, whilst maturing and arranging this vast concern. The capital, which we have under our control, to appropriate, to improve and happify a portion of the human race, is truly a large one. The one thirty sixth part of the lands in the State (allowing a deduction for waste) appropriated for these useful and benevolent objects, amount to full six hundred thousand acres. This quantity at one dollar and twenty five cents per acre, will produce seven hundred and fifty thousand dollars. And this sum funded, is worth an interest of thirty six thousand dollars annually. There may be schools organized in nine hundred townships in the state. At such a rate, the annual dividend to each township, would be forty dollars. This sum, would employ a qualified teacher, and support a *free* school, in every township in Indiana, three months each year. Should the land sell for a greater amount,

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smaller cession of 64,000 acres was obtained by a treaty with the Eel River Miami, negotiated by John Tipton in February 1828. This land was located some 40 miles northwest of Indianapolis and had been reserved to the Eel River or Thorntown Indians by the treaty of 1818. *Ibid.,* 2:286-87.

The Assembly at this cession urged Congress to take steps "calculated to extinguish the claims of the Indians (more particularly the Miami,) to their reserved territory; lying upon the borders of the contemplated Wabash canal, and within the boundaries of the state." *Laws of Indiana,* 1828-29, pp. 155-56.

than is here proposed, the number of schools, in each township, may be increased in proportion. With these means, and teachers ranked amongst the learned professions, with undoubted qualifications, you may lay a foundation, on which may be superstructed, an acceptable number, of the indispensible nurseries of freemen. Selling these lands upon a lengthy credit, funding the payments, requiring the payment of interest annually on the pain of forfeiture on the whole sum, would appear to be the policy, which might most likely cause the lands to bring the greatest amount, and at the same time secure an immediate aid to the system.[13]

The establishment of a Land Office, or a Bank, upon a safe and solid basis, it is supposed, may reasonably, grow out of a determination to sell. And this necessity, will become still more apparent, if you determine to sell the fee simple, and require the principal to be paid either in hand, or on a moderate credit. You will then, find it incumbent upon you, to seek some safe depository for this immense fund. The capital, or its representative a paper medium, might be loaned to the state, at simple interest, or by a correct financial operation, be made to realize *compound* interest. Yours, will now be the thrice gratifying duty, to adorn this fair portion of our west, with primary schools. Posterity, will award the compensation, by the monuments of gratitude, they will erect upon their memories.

Nor, can I suppose that female education, will escape the attention of my honorable auditory. It is *that* better half of creation, who teach the most lasting moral, political and social lessons, and write them upon an ever-living recollection.

The State Seminary, at Bloomington, has, at length, taken the rank of a College, and President Wiley, from Pennsylvania, a very accomplished and scientific gentleman, has taken it in charge. The interest and success of this institution, call for an enlargement of the buildings, a library and such necessary apparatus as our pecuniary ability will enable us, at this time, to procure. The earlier we endow it with a liberal hand, the sooner may we expect to see it flourish, and rise to that elevated rank and reputation, which will tender a guarantee to the youth of the state, that they can receive an education as complete and useful at home, as in other states. This necessary pre-requisite effected, the low price at which children are instructed and boarded at Bloomington, and the healthiness of its situation, will offer an additional inducement for giving this college the preference. And we should continually feel a lively solicitude to adopt the most effectual plans, from time to time, to bring the privileges of this institution, as much within the reach of the *poor man's child,* as practicable. As the money of the wealthy will secure to their offspring its advantages, it is the indigent who have the strongest claim upon your deliberations. A portion of the waste lands adjoining the institution, laid out and enclosed in *fields* and *gardens,* attached to it, and offered *free* of rent, to the industrious youth, without resources, who desires to enter college, would enable many a poor young man, gratified with such an opportunity, to acquire for himself, the rich blessings of a good education, by the labor of his own hands. Neither would a correct knowledge of either agriculture or horticulture, do the slightest injury to even those, who might not be forced by necessity, to till the ground, to improve the head. It ought not to be supposed too readily, that whilst the mind is treasuring up the weighty masses of science and literature, which are crowded upon it, that the healthful action and vigor of the body, can be neglected, without doing an irreparable injury to the health of the student.—Let us aim to improve rather than impair all of the parts that constitute the *man,* the *head,* the *heart,* and *body.*[14]

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[13] For previous action in relation to the sale of sections 16, see *ante*, 183n, 295n. The Assembly passed an act to authorize the sale of school sections. *Laws of Indiana*, 1828-29, pp. 120-28. It made the sale of lands permissive, subject to the approval of a majority of the voters of the Congressional townships, and provided the method of sale. A commissioner was to be elected in each county who would superintend the land sales, receive the money accruing therefrom, and lend from the fund at six per cent on freeholds.

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[14] No legislation relative to the state college was passed at this session.

The term of the State's Prison Superintendant, appointed by my predecessor, having expired, during the past season, it became my duty to provide for its management in future. After giving due notice, I closed a contract with James Keigwin.— From the agreement, filed in the Secretary's Office and subject to your inspection, it will appear that Mr. Keigwin has undertaken to be at the whole of the expense of keeping the convicts and to pay to the State in addition the sum of $1650, 850 dollars of which, are to be laid out in improvements about the Penitentiary. These are terms highly favorable to the State, and are another proof in favour of this mode of punishment, and of the judicious location of the prison.[15]

I would be very remiss in my duty to the public justice of the state, believing, that *certainty* of punishment, for a violation of the penal laws, is indispensible, to prevent the Commission of crime, if I were not, to seize upon this opportunity, to assure you, in plain terms, that the present amount of contingent fund, is not sufficient, to liquidate the contingencies of the year, and to enable the state Executive, to demand and procure the apprehension and return of fugitives, from her justice. It is with difficulty, that agents, can be procured, to spend their own time and money, upon the faith of a competent legislative allowance, several months in advance. Claims, however, for this kind of service, will be presented, accompanied with evidence and the nature of the case, which you are expected to honor.[16]

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[15] See *ante*, 293n, for previous reference to Keigwin's contract. The committee of the House on the affairs of the state prison reported that they thought the farming out of the prison was "salutary" to the state. They also felt that the health and moral condition of the prison "might be promoted, by making provision by law, for a more detailed municipal regulation and government of the prisoners; but," the report continued, "as the present superintendent has it under contract for three years, which has been entered into with a view to existing laws, it would seem that any additional regulations, more onerous upon the superintendent than contemplated by the contract (of which the existing law is a fact) would be unjust and impolitic. . . . " Indiana *House Journal*, 1828-29, pp. 521-22.

[16] The General Assembly, in the act making specific appropriations,

The assessments of the present year, except the counties of Henry and Perry, from which there are no returns, amount to thirty six thousand six hundred and thirty five dollars 4-100. The number of polls returned, exclusive of these counties, are, forty three thousand three hundred and twenty five.[17]

From the assessment lists, the Treasury may realize, by the 1st of January 1829, thirty thousand dollars. From old delinquent lists, there ought to reach the treasury, during the ensuing year, five thousand dollars. There were remaining in the treasury, an unexpended balance, on the 1st of December, inst. of eleven thousand three hundred and forty nine dollars, making the sum of forty six thousand three hundred and forty nine dollars of available funds. Thus, the resources of the state, are exhibited, for the demands of the financial year. The ordinary requisitions upon the treasury, for the ensuing year, including the civil list and contingencies, for the support of the Government, may advance to thirty eight thousand dollars, if two judicial circuits be made. The present revenue law, if faithfully executed next season, must provide for the treasury, assessments, exceeding forty thousand dollars. Exempt from debt, except that payable at your will, and daily accumulating additional objects of taxation, our prosperity is as obvious, as the task of the committee of Ways and Means, will be easy, in fortifying the treasury.[18]

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allowed a total of $353 to five individuals who aided in the apprehension of fugitives from justice. *Laws of Indiana,* 1828-29, pp. 4-7.

[17] The auditor's report on the number of acres of first-, second-, and third-rate land together with the number of polls per county is given in the *House Journal,* 1828-29, pp. 142-44. Figures for Henry and Perry counties are included here. No estimate of the revenue is given. The annual report of the auditor gives the total poll for 1828 exclusive of Perry County as 43,892. See below, 402.

[18] The Assembly made general appropriations amounting to $28,850 as follows: legislative department, $14,500; executive department, $2,200; judiciary department, $5,700; state penitentiary (for transporting convicts), $500; prosecuting attorneys, $800; agent at Indianapolis, $200; military expenses, $150; contingent fund, $800; specific allowances (including payments for surveying and marking Michigan Road), $3,500; wolf scalps, $500. *Laws of Indiana,* 1828-29, p. 3. The contingent fund was increased $500, only $300 having been allowed for the year 1828. *Ibid.,* 1827-28, p. 5.

Allow me, finally, to recommend to you, to pass Laws or Joint Resolutions, as follows, to wit:

To continue appropriations, to improve the navigation of the White rivers;[19]

To memorialize Congress, to continue the National Road;[20]

To provide Asylums for our Paupers, so as to comply with the requirements of the Constitution;[21]

To punish habitual Drunkenness;[22]

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[19] During this session the Senate requested from the treasurer a statement of the sums drawn under the act of the preceding Assembly (see *ante,* 294n) making appropriation for the improvement of the navigation of White and other rivers. The treasurer reported that the full amount of $4,850 had been drawn. Statement in *Senate Journal,* 1828-29, pp. 186-87, and the report of the Senate committee thereon in *ibid.,* 281-86. A joint resolution was passed at this session making it the "duty of the several prosecuting attornies in the several counties, through which any of the White Rivers and other streams run or pass, agreeable to, and named in the act making appropriations for improving the navigation [of said streams] . . . approved January 24, 1828, to enquire into the manner, in which the commissioners appointed to clear the obstructions as aforesaid out of the rivers and streams, in said act, have discharged the duties assigned them by the above recited act; and in case of fraud, corruption, or misapplication of the money, by them received for the purpose aforesaid, shall sue on the bond of the said commissioner or commissioners, and prosecute the same to final judgment, agreeably to the true intent and meaning of the act aforesaid." *Laws of Indiana,* 1828-29, p. 149.

[20] The Assembly passed such a memorial. *Laws of Indiana,* 1828-29, pp. 154-55. Congress responded with the act of March 2, 1829, making an appropriation of $50,000 for removing the timber and preparing the road for turnpiking. *Ante,* 294n-95n. The superintendents, Homer Johnson and John Milroy, advertised for proposals to contract for work on the road in June (see Indianapolis *Indiana Journal,* June 18, 1829). The superintendents outlined specifications for the work to be done: roadway to be 80 feet wide, timber to be cut off and removed and stumps cut lower over whole 80 feet; for 30 feet of the central part stumps were to be grubbed out and removed. There were also specifications for leveling and cutting through hills. Proposals were to be received by July 31. Work was to be commenced immediately upon signing of a contract.

[21] The House considered it inexpedient at this time to take steps toward providing asylums for the poor. *House Journal,* 1828-29, pp. 138, 139. A bill was introduced in the Senate providing for five poor asylums in the state, but it failed on third reading. *Senate Journal,* 1828-29, pp. 78, 241, 324-25.

[22] The House determined that it was inexpedient to legislate on this

To declare a distinction between Grand and Petit Larceny, and fix appropriate punishments to each;[23]

To require all Courts, to permit Jurymen to answer on oath, whether they have formed or expressed a decisive opinion, in the case they are empannelled to try, at the request of either party in the suit, to ascertain whether any cause of challenge exists or not;[24]

To incorporate Agricultural Societies, with the view of more effectually improving the breed of animals, and of forcing that honorable branch of business into a science;[25]

To encourage the culture of tobacco, hemp, cotton, wool and flax, to a greater extent than they have hitherto been, by authorizing premiums to be given for the best specimens of each;[26]

To appropriate for a Library in the county of Marion, such a sum of money, as will place her upon an equal footing, with the other counties;[27]

To procure a Fire Engine, for the better preservation of the Public Buildings, at this place, to be placed under the care of a Fire Company, organized in the town of Indianapolis, whose duty it *shall be* to use it to the best advantage, in case of fire on the State's property, and whose *privilege* it *may* be, to

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subject at this time. Indiana *House Journal,* 1828-29, p. 138. The Senate took no action on the Governor's recommendation.

[23] This distinction was set down in the act amending the act relative to crime and punishment. *Laws of Indiana,* 1828-29, p. 58.

[24] The requirement of such an oath was ordered by the act cited in the preceding note. *Ibid.,* 59.

[25] The Senate refused to initiate any action on the subject of agricultural societies, but did concur in a House bill to provide for the incorporating of agricultural societies, which was approved. *Ibid.,* 9-10.

[26] No direct action on this point was taken. However, the act providing for incorporating agricultural societies permitted the societies to confer prizes "on articles, animals, mode of husbandry or other improvement of any kind connected with agriculture or domestic mechanisms." *Ibid.,* 10.

[27] The House committee on the affairs of Indianapolis reported it would be inexpedient at this time to take action recommended by the Governor relative to a library for Marion County. The report was concurred in. *House Journal,* 1828-29, p. 497.

make use of it for the like purposes, on private property, as an equivalent for the attention, bestowed on the public interest;[28]

To acknowledge our adhesion, to that system of just and equal policy, in the National Legislature, which unlocks the common treasure, of every American citizen, and distributes a portion of it back amongst them from whom it came, for internal improvements;[29]

And to that system of home protection and encouragement, which gives us our *real* independence, and protects those who save our country in times of peril;[30]

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[28] George L. Kinnard, from the committee on the affairs of Indianapolis, reported that a fire company had been organized in the town and recommended that an appropriation be voted to procure a fire engine. The House passed such a bill, but the Senate failed to concur. *Ibid.,* 1828-29, pp. 149, 373, 379-80; *Senate Journal,* 1828-29, pp. 291-92.

[29] Ray refers here to the question of distribution among the states of the surplus revenue in the Federal treasury. Such a distribution had been advocated in Congress when it was evident that the public debt would be wiped out and a surplus be created unless tariffs were lowered. Jackson was to advocate such a distribution in his first message to Congress in December, 1829, though he was later to change his mind on the matter. See Edward G. Bourne, *The History of the Surplus Revenue of 1837* (New York, 1885). Not until 1837 was a bill passed and approved which "deposited" with the states all of the Federal surplus except $5,000,000 with the proviso that it was "to be returned when the wants of the government shall require it."

[30] A report and series of resolutions were prepared by the House committee of propositions and grievances which expressed Ray's sentiments in regard to encouraging domestic manufacture. The report stressed that members of the Assembly "should employ all lawful means . . . to avert the evils which must arise from a dependence on other states and nations for any of the necessaries of life." Its four resolutions were as follows:

"*Resolved,* That the citizens of Indiana be requested, by their example, to encourage the wearing of domestic manufactures, and as far as possible to abstain from the use of foreign clothing.

"2. *Resolved,* That the establishment of agricultural societies in the several counties, is highly important, for the purpose of awarding prizes to such as construct the best specimens of domestic fabrics, of either cotton, silk, hemp, flax or wool.

"3. *Resolved further,* That they be requested to award prizes exclusively to females, for the best specimens of hats or bonnets, made of either grass or straw, the growth of Indiana.

"4. *Resolved,* That the officers of state, and the members of the

And to enquire into the practice of the three per cent. fund Road Commissioners of cutting down timber in the public highways, and suffering it to remain there an unreasonable time, to the public annoyance, and to provide a remedy; and to appoint a day, in the ensuing year, for returning thanks to the great Dispenser of universal good, for the blessings that surround us.[31] Reserving to myself the privilege of communicating to you in separate messages, at all times, whatever else, touches the public interest, and is proper to be made known, and relying upon your superior wisdom to originate every good measure, called for by your constituents, it is with deep reverence that I submit to you some of the reflections of a fallible mind, at this time. Recognizing your ardent aspirations, to labor assiduously, that you may in good time return to your fellow citizens and families, my co-operation shall be cheerfully accorded. May God help us!

James Brown Ray.

December 2d, 1828.

next general assembly, be requested to clothe themselves in domestic, prior to the commencement of the next session of the legislature."

No action was taken on the resolutions. Indiana *House Journal,* 1828-29, pp. 498-500.

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[31] No action pertaining to these two points was taken.

SECOND ADMINISTRATION
1828-1831

Ray: Message to the General Assembly[1]

[December 3, 1828]

GENTLEMEN: I again meet you, summoned by the voice of my country, under a new election, to make another appeal, to the Supreme Ruler of Worlds and Nations, whose omnipresent eye can never be eluded, for the faithful discharge of the duties of my new stewardship, during the time the Constitution allows me to serve.

Whilst my heart is overflowing with gratitude, to my fellow citizens, for the renewed testimony of their confidence, which I have recently felt in a most effectual manner, allow my tongue, to congratulate you, and our young and flourishing community generally, *that* we have not provoked the majesty of Heaven to retaliation upon us, or given offence by our conduct to any of our neighboring states; *that* our land is full of blessings and prosperity, compared with the deplorable condition of most of the nations of the globe; *that* our minds and persons are free, and all of our rights secured by a written constitution; *that* ours is the Christian religion, whose salutary effects are demonstrated in softening the ferocious temper of the lion into that of the lamb—in refining and polishing society; *that* the clarion of war, is hung upon the closed doors of the temple of Janus, and Ceres is with us adorned with her garland of corn; *that* in politics, the will of the majority, is the sovereign; in religion each one's will and conscience sovereign; *that* when one is charged with a violation of the laws, he is to be tried by his peers; *that* slaves cannot breathe or "sinews be bought or sold" in Indiana; *that* the states continue united; *that* the people continue to be jealous of their liberty; and punish usurpation with their authoratative veto; *that* the Union, is a knarled knot, not to be riven assunder by the poisonous breath of treason, faction or ambition; *that* the inflammatory spirits of the day, are falling victims to the manly and cool rebukes of the sober, wise and thoughtful; *that* the General Government is ably, faithfully and prosperously administered, whilst it protects the industry of our own citizens, against a ruinous foreign competition, and distributes the treasury, as well to make roads and canals in the interior, as to build lighthouses and other improvements on the sea board; *that* it is believed this policy will not be changed, by a change of Chief Magistrates; *that* the State of our adoption and choice, bounded on every side and interspersed, throughout, with nature's beautiful navigable rivers and lakes, with her two turnpike roads crossing at right angles at the centre, and her Canal running from her south western to her north eastern sections through the northern centre, and affording an outlet to the great commercial cities of the East in perspective, *has* entered the list of competition with a fair prospect of rivaling her most powerful sisters; *that* where, was lately the wigwam of the aborigines, in which they performed their superstitious ceremonies and frantic orgies, *where,* they often told the heart thrilling story of their valorous deeds in war, and where their light feet pressed the unploughed earth in frightful dance, fields now wave with yellow grain, cities and villages and stately domes, stand dedicated to religious, political or intellectual improvement; *that* we are rapidly increasing in population and resources; *that* we owe nothing; *and* that our burthens are light, and we contented and happy.

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[1] Indiana *Senate Journal*, 1828-29, pp. 23-25; also in *House Journal*, 1828-29 pp. 30-33. This second message was delivered after Ray had been sworn into office for a second term.

Although I entered into the late canvass, at a crisis fraught with as much danger to candidates for office, as this country has ever witnessed—at a time when the most fearful public excitement, that ever agitated the republic, had risen to its acme—at a time when the rights of *friend* and *consanguinity,* were swallowed up in the general fermen[t]ation of the day—at a time when the populace, were laboring under the most splendid artificial delusion and madness, that ever bewitched an intelligent society—at a time, when the candidate appeared to possess no other merit or demerit, than that he was the friend or opposer of one or the other of the brightest stars in our galaxy of heroes and statesmen—and at a time when the voice of merit was literally stifled by the spirit of party; yet, whilst under these circumstances, I could recognize those who earn their bread by the sweat of their brow in my support, myself hanging upon the skirts of no man, nor deriving strength from any party, but contending against the double force of its mighty influence, marshalled under two of the most controlling and popular names in the Union, my present success should be the source of more consolation and thankfulness, than that of any former period. Be assured that I feel the weight of obligations that are upon me, to tender, in return my promise for a faithful servitude.

For all my acts, I shall be subject to the severest scrutiny of the people. That portion of charity and indulgence, always due to human infirmity, is all I ask for myself. Your best exertions in co-operation with mine, I ask for my country. To act in concert for the *future* good, without remembering, only with regret, the animosities, the personal, political, or party difficulties and broils of the past, will enable you to lay out your wisdom and intelligence to the best account. But, if party spirit, should display her gory locks in your halls, or sectional jealousies deceive you, then, wholesome legislation must suffer an ignominious martyrdom, at the shrine of passion, design and intrigue. As for myself, I will endeavor not to have different feelings towards those who have not favored my political pretensions, than my fellow citizens generally. If my most active exertions to preserve harmony in the several departments of our government, shall meet with your approbation and be crowned with success for the next three years, I shall be amply compensated for all the bitter cups, which it has been my lot in common with other public men to drink.

Nothing is received into the heart of a public man, with such a cordial welcome, as the consciousness of public approbation. It arouses all the slumbering faculties of the man, into redoubled vigilance. It awakens into being, a new zeal, to act with that circumspection, which will justify the confidence reposed. In gone by times, I know that I have felt a lively interest in the honor and glory of the state. My present feelings bear witness, that, in future, there shall be no abatement in resolution or exertion, to push forward the car of her prosperity. *Now,* the time, is mine to promise, *hereafter,* your's to call for its execution. Inflict upon me the severest punishment I can receive, your censure, when you are deceived by me; but, at all times spare me, oh! spare me until I am heard. An audience, to justify or confess my deeds is all I ask, from a candid world.

Ray to the Speaker of the House[1]

Executive Department,
Indianapolis, Dec'r 10, 1828

The Speaker of the House of Representatives—

Sir—Through you, the undersigned informs the house of representatives, that William Quarles, Esq. is authorized by me to deliver my messages, as my private secretary.

Respectfully, your obed't serv't,

J. B. Ray.

Treasurer's Report[1]

Indianapolis Dec. 3, 1828.

In obedience to the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures on account of the State of Indiana is respectfully submitted.[2]

[1] Indiana *House Journal*, 1828-29, p. 101. A similar message was sent to the President of the Senate. *Senate Journal*, 1828-29, p. 108.

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[1] Indiana *House Journal*, 1828-29, pp. 43-45. Also in *Senate Journal*, 1828-29, pp. 33-36.

[2] An effort was made by the committees on ways and means to have explained the discrepancies that persisted between the reports of the

Amount in the Treasury, Dec. 1, 1827, ...		$19153 24

Receipts from that time to Nov. 30, inclusive, viz.

From the revenue assessed for 1822, ..	$ 306 25	
" " " " 1823, ..	683 34	
" " " " 1824, ..	323 90	
" " " " 1825, ..	225 98	
" " " " 1826, ..	375 10	
" " " " 1827, ..	24491 81	
" " " " 1828, ..	2720 32	
From assessments not previously reported to Auditor	103 43	
Total Revenue	$29736 14	[$29230 13]
Penalties on Collectors for not paying in time	93 38	
From A. Campbell, Super. French Lick	100 00	
Fines on persons conscientiously scrupulous of bearing arms	174 40	
From sales of lots in Indianapolis	4104 85	
" " " Seminary Lands	8087 87	
From Admr. of B. McAughery who left no heirs	23 04	
Interest paid in advance on loans of Seminary funds	1007 40	
Total Receipts ..	$43321 08	[$43327 08]
Making in all ..	62474 32	

Expenditures during the above period.

For printing for the last Legislature and paper, &c for the present	$ 2901 67
" Contingent expenses	309 15
" State Library	75 38

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treasurer and auditor. Explanations were sent by the treasurer to both houses, which traced mistakes back as far as 1821. *Senate Journal,* 1828-29, pp. 127-28; *House Journal,* 1828-29, pp. 162-63.

Expenses of last legislature.		
Pay and mileage of members	$9540 88	
" of Clerks and Doorkeepers,	1311 00	
		10851 88
Salaries of Adjutant and Quartermaster Generals		80 25
" of Executive officers		2482 53
" of the Judiciary		6063 20
" of Prosecutors		818 58
Premiums for Wolf scalps		400 00
Expenses of the Presidential election		160 30
" of State Prison		315 04
House rent for Governor		161 10
Specific appropriation for State Library		100 00
For Stationary for last legislature		265 51
Special allowances		699 74
Making the ordinary expenses of the state		$25684 33
Appropriations out of Seminary funds		261 39
Salary of Superintendent and books for Loan Office,		82 55
Interest paid President State Seminary		652 50
" on Treasury notes		1 41
Treasury notes burnt		41 00
Salary and allowance for agent Indianapolis		287 16
Auditor's per centum		25 97
Paid on appropriation for Governor's house		850 00
" " for Road and Canal Fund		5850 00
Salary of Agent at French Lick		100 00
Appropriation for boring at do		500 00

Loans made to sundry persons from the Seminary fund	16790 00
Leaving a balance in the treasury of	11348 01
	$62474 32

The State is at present liable for the following claims.

Interest on Seminary fund	$1573 59	
Due on contract for Governor's house	1190 00	
Of the appropriation for the Wabash Canal, there is undrawn	1300 00	
Judiciary claims not audited	1400 00	
Executive do. do.	100 00	
Prosecutors' do. do.	358 75	
Adjutant and Quartermaster General's do.	75 00	
Agent for Indianapolis do.	100 00	
Appropriations for improving Laughery [Creek]	250 00	
Total	$6357 34	[$6347 34]
Which, when paid, will leave in the Treasury	$5090 67	[5000 67]

The ordinary expenses of the current year may be estimated at 26,000. In addition to what has been received of the revenue of 1828, there will probably yet come into the Treasury the sum of $27,000 00. From former delinquencies there will probably be paid during the year as much as will be left unpaid of the revenue of 1828. There will therefore be $6,090 67 applicable to such measures beyond the ordinary expenditures as the Legislature shall direct.

Respectfully submitted.

SAMUEL MERRILL.

Auditor's Report[1]

Auditor's Office, Indianapolis, Dec. 4, 1828.

In obedience to an act concerning the Auditor of Public Accounts, and the Treasurer of State, the following report is submitted.

This sum remaining in the hands of the Treasurer on the 1st day of December, 1827, provided all claims audited to that date have been paid	$19,122 62
Since the above period to the 1st December, 1828, there has been paid into the treasury on account of balances due for the years 1822, 1823, 1824, 1825 and 1826	2,414 57
From collectors of the Revenue for the year 1827	24,497 82
do. do. 1828	2,720 32
From unlisted lands as reported by Treasurer	103 43
Penalties on certain Collectors	93 38
A. Campbell, superintendent of Rock [French] Lick,	100 00
Fines on persons conscientiously scrupulous of bearing arms	174 00
Sale of lots in Indianapolis	4,104 85
Sales of Seminary lands	8,087 87
Administrator of B. M. Aughery's estate	23 04
Interest on loans of Seminary monies paid in advance, as reported by treasurer	1,007 40
Making in all	62,449 70 [$62,449 30]

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[1] Indiana *House Journal,* 1828-29, pp. 56-58. Also in *Senate Journal,* 1828-29, pp. 41-43.

Since the above period there has been audited on account of transporting convicts to State's Prison		315 04	
Salaries of Prosecuting Attornies		818 58	
Judiciary Department		6,063 20	
Executive Department		2,482 53	
Salaries of Adjutant and Quarter-master Generals		80 25	
Pay of Members, Clerks and Door-keepers, including expenses of the last General Assembly		10,851 88	
Interest on treasury notes	1 41		
" on Seminary monies	652 50		
Books for loan office and Superintendents' salary	82 55		
		736 46	
State Library		78 38	
Specific appropriation		1,487 74	
Printing and distributing laws and journals of last session, and for stationary, &c. of present session		2,901 67	
Seat of Government		1,163 13	
Agent of French Lick		100 00	
Appropriations for boring at French Lick		500 00	
do. of road and canal fund		5,850 00	
Wolf scalps		400 00	
Presidential election		160 00	
Treasury notes burnt		41 00	
Contingent expenses for 1828		309 00	
		34,336 31	[$34,338 86]
Amount of Seminary monies loaned as reported by Treasurer		16,790 00	
		51,126 31	

Which deducted from 62,449 70, leaves a balance in the treasury on the 1st day of December, 1828	11,323 39
The assessments from all the counties in the state except Perry, amounts to (for 1828)	37,035 07
From unlisted lands and polls for 1828.	
Vanderburgh	26 03
Rush	7 06
Greene	6 56
	37,074 76 [$37,074 72]

The number of polls assessed in all the counties except Perry is (for 1828,) 43,892.

Respectfully submitted.

B. I. BLYTHE, A. P. A.

Report of Michigan Road Commissioners[1]

[December 8, 1828]

TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

The commissioners, appointed by an act entitled, "An act to provide for surveying and marking a road, from Lake Michigan to Indianapolis," approved the 24th January, 1828, respectfully submit the following report: They, having met, in pursuance of the proclamation of the executive, on the first Monday in April last, in the town of Indianapolis, and after having been organized, determined, in consequence of the high waters at that time, to adjourn until the second Monday of May.

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[1] Indiana *House Journal,* 1828-29, pp. 89-95. The act of January 24, 1828, appointing the commissioners, required that they examine all the bays, inlets and estuaries of rivers, on that part of Lake Michigan lying within the state of Indiana, in order to ascertain where the best harbor can be had; and if no harbor can be found on that part of the shore of said lake, they shall select such point as they shall deem most eligible for the construction of an artificial harbor, and suitable site for a commercial town; and from the harbor so selected . . . they shall proceed to survey and mark a road, by the most eligible route, to Indianapolis.

"The said commissioners shall cause an accurate survey to be made of said road, stating its courses and distances; they shall also note the quality of the soil, whether wet or dry; the growth of timber; the elevation of the hills; the crossings of the water courses; the practicability and convenience of procuring materials, and the quality thereof, for the construction of bridges, and such other things as may be necessary or useful in the construction of a permanent road."

On the second Monday in May, the commissioners again met at Indianapolis, and proceeded to run a random line, commencing at the court house; from thence in a direction to Lake Michigan; so as to leave the Miami reservation on the east. This line struck the lake, a few miles west of the line which divides the state of Indiana and the Michigan territory. The commissioners then proceeded to an examination of the borders of the lake, for the purpose of finding a harbour, and selecting a suitable site for the erection of a town; but after a full examination, they were unable to find, within the state of Indiana, a harbour, or site altogether suitable for the purposes contemplated by the law. The commissioners, however, selected at the mouth of the river Dysman or Trail creek, a site, as the most eligible that could be found within the limits of the state of Indiana. This stream enters the lake five miles and eleven chains (by the beach of the lake) westward of the line dividing the state of Indiana and Michigan territory. At its junction it is one hundred and twenty-five links wide, with from two to three feet water on the bar; and after crossing it from seven to ten feet for the first half mile above, and is well calculated for mills, or water privileges, being the largest stream that enters the lake within the state. At this site there are about two hundred acres of level, dry land of a second quality in point of soil, elevated sufficiently, to form a situation for a town. From this place, the commissioners ran a line to Indianapolis, so as to leave the Miami reservation on the east. The quality of the land, for the first five miles, is very similar to that at the mouth of Trail Creek. They then came to a beautiful tract of country about six miles in width, the soil fertile, timber and water fine. The line then crossed a high, dry, rich prairie, about two and a half miles wide, being the dividing ridge between the waters of the lake, and of the Kankakee. From thence to the Kankakee, a distance of about eighteen miles, the country is poor, barren, and wet prairies wholly destitute of any kind of materials for the construction of a road; nor will it admit of settlement. This route crossed the Kankakee at the lower, or western end of what is called the English lake. The river is about thirty-six poles wide, current deep and sluggish. From this river, until within about five miles of the Wabash, the country is poor, sandy barrens and wet swampy prairies, entirely destitute of materials for the construction of a road. From thence to the Wabash river, near the mouth of Rock creek, the country is high and broken, soil rich. The distance from the lake to the Wabash, by this line, is about seventy-three miles: and at least forty of the distance, is low and swampy, and will require bridging, causewaying or turnpiking, as when we passed through this country, it was quite common for our horses to stick in the marshes several times in each day's travel. The commissioners continued the route from the Wabash, through a fertile, well timbered and watered country to Indianapolis, crossing several beautiful branches of water, and entering the town by the north west diagonal street, which leads to the Governor's Circle.

The commissioners being convinced of the impracticability of constructing a road on that part of the route, between the lake and the Wabash, determined on a further examination, in order, if possible, to select another and better. But from the extreme fatigue, they had endured, and the impoverished state of their horses, they were compelled to abandon a further examination at that time.

In the month of October last, the commissioners again met on the upper Wabash, and proceeded to examine the country from the mouth of Eel river, by the river St. Joseph of Lake Michigan, to the mouth of river Dysman or Trail creek. The commissioners then proceeded to survey and mark a route, to the southern bend of the St. Joseph, a distance of thirty-five miles and fifty chains, passing through a country, for the three or four first miles, of level, dry, second rate land. The balance of the distance to the St. Joseph, the country is beautiful and fertile in the extreme; well watered with fine springs, and excellent streams for mills, and is handsomely diversified with rich prairies, and fine groves of timber. At the southern bend of the St. Joseph, is a beautiful situation for a town; being distant from the lake (from the best information received) fifty-five miles by the river, and thirty-five miles by land. This river is navigable from the lake to the mouth of the Elk Hart, a distance of about twenty-five miles above the southern bend.

In a word, the commissioners considered the site at the southern bend of the St. Joseph, and the adjacent country, the most desirable situation to be found north of the Wabash.

The commissioners then proceeded, on the most direct line to Indianapolis, (leaving the Miami reservation on the east) through a fine, and generally well watered and timbered country, interspersed with some small prairies and barrens, until they struck the Wabash, immediately below the mouth of Eel river; distant from the St. Joseph sixty-five miles; and from thence, through a country quite similar to the one described, between the mouth of Rock creek and Indianapolis, in the first mentioned survey, and entered Indianapolis as before.

The commissioners, at their meeting at Indianapolis, in the month of May last, employed John K. Graham of Floyd county, as surveyor, who ran the first random line as far as the Wabash river, at which place, in consequence of ill health, he was unable to proceed further. They then employed John G. M'Donald as surveyor. The surveyor and hands employed by the commissioners, are to receive such compensation for their services as the General Assembly may think just and equitable. —The commissioners will here remark, that the services, performed by the persons employed, were arduous, and equally so to the pack horses.[2]

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[2] The Assembly made the following appropriations for the commissioners and assistants: John I. Neely, $220.50 for 126 days service plus $116.98 for expenses; Chester Elliott, $225.50 for 146 days service plus $79.11 for expenses; John McDonald, $213.50 for 122 days service plus $39.55 for expenses; John K. Graham, $44 for 22 days as surveyor; John G. McDonald, $156 for 78 days as surveyor; 12 men employed as

The commissioners found it necessary to procure a pilot, and interpreter; and for those purposes employed Edward M'Cartney, whose acquaintance, not only with the Indians, but with the country generally, proved very serviceable. By this means they were enabled, so far to secure the favor of the Indians, as to obtain from them much friendly aid in the prosecution of their labors; and they have now the satisfaction of saying, that they believe the Indians are, at this time, well satisfied with the location of the road, and all its attendant consequences. The commissioners are of the opinion, that if the lands given to the state by the treaty, are speedily and judiciously selected one half the proceeds threof, will be sufficient to open, and put the road in good condition.

Enclosed the legislature will find the length of time the commissioners have been employed in laying off said road, the names of each person, engaged by them, and the county in which he lives; together with the number of days each person was employed; and also the number of packhorses, and the length of time in service; and also the actual money expended by the commissioners in the purchase of provisions, camp equipage, &c. The commissioners respectfully refer your honorable body to the plat and field notes of said road, as filed in the office of the secretary of state; together with the remarks accompanying the same.

The following are the general courses, and also the distances from several points on said road to each other:

From Lake Michigan, at the mouth of River Dysman or Trail creek, to the southern bend of the river St. Joseph, is thirty-five miles and fifty chains; course, S. 87 deg. 30 min. east. From the southern bend of St. Joseph to Yellow river, is twenty-three miles; course S. 6 deg. 30 min. west. From Yellow river to the crossing of the Tippecanoe river, is eighteen miles and fifty-four chains; course S. 12 deg. east. From the Tippe-

hands, $502.50; Edward McCartney, $59 for 59 days as pilot and interpreter; pack horses, $99; Alexander Chamberlin for boarding and forage, $28; Walker, Carter & Company, $15 for merchandise. Total, $1,828.64. *Laws of Indiana,* 1828-29, pp. 8-9.

canoe to the crossing of the Wabash, is twenty-four miles and forty-eight chains; course S. 18 deg. west. From the Wabash to the south west corner of the Miami reservation, is thirty three miles and thirty-six chains; course, south.—From thence to Indianapolis, is thirty-six miles and twenty-five chains; course, S. 19 deg. east.

All which are respectfully submitted.

John I. Neely,
John McDonald.
Chester Elliott.

December 8, 1828.

The following is a bill containing the amount of moneys expended in the purchase of provisions, camp equipage, &c. for the use of the hands employed by the commissioners on the Michigan road:

Cash paid at different times, while on the road, by

John I. Neely,	$116 98 3-4
John M'Donald,	39 55
Chester Elliott,	79 11
	$235 64 3-4

John I. Neely,
John McDonald,
Chester Elliott.

December 8, 1828.

The following is a list of the length of time the commissioners have been employed in laying off the road from Lake Michigan to Indianapolis—the names of each person employed by them, and the county in which they live; together with the number of days they were employed, as also the number of pack horses, and their length of time in service:

	Days.	Total
John I. Neely, Commissioner,	126	
Chester Elliott do.	146	
John M'Donald, do.	122	391
John K. Graham, of Floyd county, surveyor,	22	
John G. M'Donald, Daviess, do. do.	78	100
Zebina Lovejoy, Warrick county, one of the hands,	59	
Aaron Fuquay, do. do. do.	59	
E. B. Reynals, Gibson, do. do.	98	
Thomas White, Pike, do. do.	63	
Josiah Morgan, Daviess, do. do.	59	
Thos. Montgomery, Gibson, do. do.	59	
Hyacinth Lassell, Knox, do. do.	39	
Lambert Bono, do. do. do.	39	
John M'Cluer, do. do. do.	39	
John Emison, do. do. do.	98	
William Route, Daviess do. do.	39	
John McDonald, do. do. do.	19	
Edward M'Cartney, Carroll county, pilot and interpreter,	59	729
Four pack horses employed, making in whole,	396	396

JOHN I. NEELY,
JOHN McDONALD,
CHESTER ELLIOTT.

Report of Agent of State for Indianapolis[1]

AGENT'S OFFICE, Dec. 10, 1828.

THE HON. THE PRESIDENT OF THE SENATE:

The Agent of State, for the town of Indianapolis, as required by a joint resolution of the last General Assembly, to present a complete detailed statement of the Indianapolis fund, and the disbursements therefrom, from the commencement of the Agency up to the 1st of December, instant, specifying the sources of receipts, and the manner of disbursement, the amount liquidated by relinquishments and transfers, and the tenor of the leased land on the donation; accompanying the same with a list of all the lots in said town remaining unsold and unappropriated, has the honor to report, to wit:

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[1] Indiana *Senate Journal,* 1828-29, pp. 85-87. Also in *House Journal,* 1828-29, pp. 103-5.

Amount received for lots from the commencement of agency up to the 8th of April, 1828, the time of the present agent taking the office	30,159 46
Amount received for rents	452 64
″ ″ for timber	85 85
Total	30,697 95
″ Paid by former Agents to Treasurer	26,671 09
″ Liquidated by relinquishment of lots	3,002 59
″ Paid for building Clerk's office	429 00
″ ″ for clearing out Pogue's run	50 00
″ Entered on the books, as in the hands of the former agent reserved for county Library	131 56
Total	30,284 24
Balance	413 71
″ Received by the present Agent for lots since the 8th of April, 1828	2,815 59
Amount received by the present Agent for rents	66 87
Total	2,882 46
Paid Treasury	2,543 68
Liquidated by certificates	282 47
Reserved 2 per ct. on 2,815 59 for county library	56 31
Total	2,882 46

Lands leased the 8th of March, 1827, for three years.

3½	acres at	50	cents	per acre	per annum	1 75
2¼	″	1 00	″	do.	do.	2 26
35	″	1 75	″	do.	do.	54 95
2¾	″	2 37½		do.	do.	6 53

35⅞	"	1 66	do.	do.	59 54
1½	"	50	do.	do.	75
21	"	1 00	do.	do.	21 00
17	"	1 63	do.	do.	27 71
34¼	"	1 95	do.	do.	66 78
2	"	2 59	do.	do.	5 18

The following leased for 4 years from said 8th of March, 7 acres at $2 00 per acre per annum; two first years to be paid by improvements	14 00
6 acres at $1 18¾ cents per acre per annum	7 12
Annual amount	267 56¼

The following is a list of blocks remaining unsold and unappropriated, to wit: Blocks No. 3, 5, 13, 21, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 81, 82, 83, 86, 87, 88, 89, 101, N. E. ½.

Lots unsold and unappropriated,

Square 46, lots 1, 2, 3, 5,
(47) 3
(48) 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
(49) 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12
(50) 11, 12
(51) 8, 9
(52) 1, 2, 3, 5, 6, 7, 9, 10, 11, 12
(54) 1, 2, 4, 5, 6, 7, 8, 9, 10
(61) 10, 11, 12
(67) 9,
(68) 1, 3, 5, 6, 7, 8, 9
(69) 1, 2, 10,
(72) 1, 2, 4, 5, 8, 9,
(73) 3, 4,
(74) 4.

Respectfully submitted,

E. SHARPE, Agent.[2]

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[2] Ebenezer Sharpe was appointed agent of state for Indianapolis on April 8, 1828, vice Benjamin I. Blythe, resigned. He was elected to the

Ray to the Speaker of the House, Transmitting Correspondence[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, December 11, 1828.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

The undersigned begs leave to lay before the House over which you have the honor to preside, the correspondence alluded to in his annual communication to this General Assembly, between the Secretary at War and the Executive of the state of Indiana, relative to the Michigan road.[2]

Most respectfully, Your obedient servant,

J. BROWN RAY

HON. ISAAC HOWK, Speaker of the House of Representatives.

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT, Indiana,
INDIANAPOLIS, Dec. 16, 1828.

HON. MILTON STAPP, President of the Senate.

SIR:—I have the honor to acknowledge the receipt of a resolution of the senate of Indiana, requiring the undersigned to furnish the committee on canals and internal improvements, with a copy of the report of the engineers employed by the United States, to examine into the Wabash and Maumee canal. This call may be answered, by referring the senate to an act of the last general assembly of this state, making it my duty to lay the said report before the state canal commissioners, during the past season, which (or that part of the same which I received,) was done at their first meeting. The senate may not be

office by the General Assembly the following December and again in 1832 and 1834. *Executive Proceedings, 1816-1836,* p. 278.

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[1] Indiana *House Journal,* 1828-29, p. 109.

[2] The correspondence is printed above under the dates of February 4 and March 1, 1828.

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[1] Indiana *Senate Journal,* 1828-29, p. 96.

apprised of the fact, that the report or memoir of the United States' engineer, never came into my hands, but was put into the hands of the canal commissioners in the first place, consequently, it is impossible for me to report a copy of a paper not in my possession to your honorable body. The field notes came into my possession last summer, which, in obedience to the said act of the general assembly, passed into the hands of the canal commissioners; and which, together with the memoirs of the United States' engineers, were made a part of the report of the said commissioners, to this legislature, as reported by them to the house of representatives on the 13th instant. A sufficient number of copies of [for] both branches of the legislature, of these documents, have been ordered to be printed, which will impart all the useful information necessary to be known, with respect to the said work.[2]

I have the honor to be, Very resp'y. y'r ob't. serv't.

J. BROWN RAY.

Certificate of Election, Johnson County[1]

[December 20, 1828]

State of Indiana } sct
Johnson County }

I Samuel Herriott Clerk of the Circuit Court for the County of Johnson in the State of Indiana do certify that agreeable to an order of the Johnson County Board of Justices an Election was held on the sixth instant for a justice of the peace to reside in the Town of Franklin the county seat of said county and the following is a copy of the certificate of the judges of said election to wit

We the undersigned judges of an election held in the Town of Franklin for a justice of the peace do certify the following to be a true coppy of the same that Pearson Murphey a citizen

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[2] Two thousand copies of the report were ordered printed, but there is no copy in the Indiana State Library today.

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[1] D.S. ISL:Archives Division, Election Returns, December 1828.

of the Town of Franklin got forty one votes and George W King a non resident of the place got forty nine votes

Attest	LEWIS HENDRICKS
WILLIAM SHAFFER	HUGH WILLIAMS
WILLIAM G SPRINGER	ANDREW LEWIS

Given under my hand at Franklin the 20th day of December A.D. 1828

SAML. HERRIOTT Clk

N. B. At the request of the candidates I take the liberty of stating that Mr. King previous to the election resided about fifty poles out of town on the day after the election took residence in town. The judges of the election were of the opinion that no person could be a legal candidate who was not a resident of the town at the time of the election which induced them to make the foregoing novel return[2]

SAML. HERRIOTT

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, (Ia.) Dec'r 30, 1828.

HON SPEAKER OF THE HOUSE OF REPRESENTATIVES—

SIR, I have the honor to lay before the house of representa-

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[2] The Secretary of State submitted the election return to Governor Ray for his judgment. The Governor replied as follows to the Secretary on December 30: "It is the opinion of the undersigned, that inasmuch, as neither the *Judges* of the election, or the *Clerk* of the county of Johnson, in the return laid before me, had certified that either Mr. King or Mr. Murphy, has *been duly elected a Justice of the Peace* according to the Statute, no commission ought to issue, until the return is amended, in this particular. Certificates ought to be official and legal; and no individual statement can be noticed to justify the issuing of comns. It is clear, however, that any person living in the township in which the town of Franklin is, is eligible as a candidate for a J. P.—The judges ought doubtlessly, to make the proper certificate that Mr. King "was duly elected." Election Returns, December, 1828. The amended return is not among the papers in the Archives Division. King was commissioned a justice of the peace on January 19, 1828. *Executive Proceedings, 1816-1836,* p. 488.

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[1] Indiana *House Journal,* 1828-29, pp. 282-83.

tives the enclosed documents, which came into my hands, as is supposed, under the presumption, that there was a contingent fund yet unexpended, out of which, the claims of the several persons, summoned to give attendance on the trial of Col. Wm. H. Hinton, and whose names are herewith transmitted to the house of representatives, might be paid. But, it can only be necessary for me to repeat to your honorable body, to induce you to afford them that justice which is intended should be awarded to them, by the 84th section of the milita law of 1824, that there is no contingent fund in the treasury of the last years limited appropriation, to cover the said claims. The propriety of making such an allowance, as will compensate the several persons aforesaid, whose services have been demanded by the authority of our law, is respectfully submitted.

Respectfully your most obedient servant,

J. BROWN RAY[2]

Ray to the Speaker of the House, Transmitting Correspondence[1]

EXECUTIVE DEPARTMENT
INDIANAPOLIS, IND. January 1, 1829

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR—In strict obedience to the resolution of the house of representatives this day received, requesting the undersigned to lay before the said house, the correspondence between the executive of this state and the executive of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie, in conformity to a joint resolution of the general assembly, approved January 24th, 1828, I have the honor of herewith enclosing a copy of the letter written by me to the governor of Ohio; and also one, of his answer to the same; which was not renewed after the passage of the act of congress referred to in my annual communication, at the commencement of this session, for the reasons therein stated.[2]

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[2] The House committee to whom the letter was referred reported that after examining the militia law they found that "the forty-third section . . . provides for the expenses [of court martial] to be paid out of the fines arising in the regiment to which the officer arrested belongs, and they are therefore of opinion, that said claims ought not to be paid by the state." The House concurred in the report and refused to reconsider their vote. *House Journal,* 1828-29, pp. 328-29, 377.

[1] Indiana *House Journal,* 1828-29, pp. 311-12.

Respectfully, your obed't serv't,

JAMES B. RAY

Ray to the Speaker of the House, Transmitting Communications[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS (IA.) Jan. 1st, 1829.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES—

SIR:—In answer to a resolution of the house of representatives, requesting the governor to report to that house, the number of stand of public arms distributed in this state, the different description of arms, in what divisions distributed, and by what rule the distributions are regulated in the various divisions, and in what regiments those arms are at present; the inclosed communications of the Quarter-Master General, marked A, B and C, are herewith respectfully submitted. These reports exhibit all the receipts of public arms, &c., in this state, the manner and place of their distribution, and the number and description of the same, *officially* known at the proper department. It is proper here to remark, that in several of the returns of the Major Generals, they have not been explicit in certifying, that their returns present *all* the public arms in their several divisions, which have been received there *since* the state government, as the act of the last session requires. This want of fullness in these returns, may make it necessary, for the

[2] The correspondence is printed above under date of January 31, 1828.

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[1] Indiana *House Journal,* 1828-29, pp. 306-7.

Quarter-Master General, again to address the commandents of divisions on the subject.

The *rule* by which, it is probable, the executive will be governed in future, in the distribution of the public arms in Indiana, will be, to give to each division a fair proportion of the same, having respect at the same time, to a correct organization of the militia, and population.

Respectfully submitted,

J. BROWN RAY

[Enclosure]

QUARTER-MASTER GENERAL'S OFFICE, NOV. 22, 1828

The Quarter-Master General, in submitting this, his annual report, presumes it will be proper to recapitulate substantially his last report, that the public affairs in relation to arms received from the United States, may be presented in one view.

This last annual report stated, that Captain William S. Bussell of Rushville, within the 6th brigade, had received public arms on the day of January 1826, to wit: 150 horsemans pistols, 75 cavalry sabres, 75 sabre belts and plates.

That Captain Samuel Starkweather, of the rifle company in the 22d regiment, had received on the 24th April 1826, public arms, to wit: 20 rifles complete, each including 20 bullet moulds, 20 screw drivers, 20 wipers, 20 chargers, 2 ball screws and 2 spring vises.

That Capt. John W. Lee, commanding the cavalry company in the 20th regiment, had received on the 30th July, 1826, public arms, to wit: 100 horsemans pistols, 50 cavalry sabres, 50 sabre belts, 50 sabre plates.

That J. P. Drake, Brig. Gen. commanding the 12th brigade, had received on the 18th April 1826, for the use of said brigade, public arms, to wit: 60 muskets, 60 screw drivers, 60 wipers, 6 spring vises, 6 ball screws, 20 extra flint cups, 60 cartouch boxes and belts, 60 bayonets, scabbards and belts, and 60 breastplates.

That Bethuel F. Morris, captain commanding the artillery company in the 40th regiment, had received on 19th June 1827, public arms, to wit: 1 six pounder iron cannon, mounted on travelling carriage, with limber and ammunition boxes and trail handspikes complete, 1 tompion and collar, 1 sponge and rammer, 2 implement straps, 1 gunners belt complete, 2 gunners haversacks, 1 linstock, 1 portfire stock, 1 portfire case and strap, 1 powder horn and strap, 1 tube box and strap, and 8 bridles, 50 artillery swords, 50 sword belts.

That on the 1st day of December 1827, Maj. Gen. John I. Neely, commanding the 1st division, had reported in compliance with orders issued from this office, that there were in said division, which had not previously been accounted for to this office, public arms, to wit: 118 muskets, 95 bayonets and belts, 95 cartouch boxes.

That on the 21st day of November 1827, Major General Milton Stapp, commanding the 5th division, reported in compliance with the orders above named, that there had been received in said division, which had not previously been accounted for to this office, public arms, to wit: 5 six pound pieces, 3 travelling carriages, 3 limber and ammunition boxes, 5 trail handspikes, 4 rammers, 3 sponges and caps, 4 ladles and worms, 3 tompions, 5 implement straps, 4 water buckets, 20 bridles and ropes, 3 linstocks, 3 tin tube boxes, 3 tin portfire cases, 3 artillery powder horns, 210 muskets, 210 bayonets, 120 cartouch boxes, 140 sabres and belts, 173 pistols, 40 yeagers, 40 pouches, 40 powder horns.

Since the making of the last annual report, Maj. Gen. Hyacinthe Lasselle, has reported in pursuance of orders issued from this office, that there are within the said division, which have not previously been accounted for to this office, public arms, to wit: 42 muskets, 30 pair pistols, 30 swords and belts. This report is dated February 28, 1828.

Maj. Gen. James Noble, commanding the 3d division, has reported by communication, dated October 27, 1828, that there are in the 6th brigade, commanded by Gen. John T. M'Kinney, which have not previously been accounted for to this office, public arms, to wit: 1 six pounder, 143 muskets, 143 bayonets, 144 belts, 94 steel rods, 140 cartouch boxes, 26 swords, 120 rifles, 120 belts, 120 powder horns, 120 pouches.

Gen. Noble states, that the brigadier general commanding the 13th brigade, has failed to make any report on this subject.

On the 17th of June, 1828, a requisition was made upon the United States, in favor of Col. John Spencer, commanding the 55th regiment, for public arms, to wit: Arms and equipments for a company of cavalry, 45 strong, and for a company of infantry, 30 strong.

On the day of June, 1827, a similar requisition was made in favor of Aaron Martin, a captain of cavalry, in the 2d regiment, for, 1 bugle horn.

These requisitions were made by order of your excellency. Whether the arms have been received, or not, is not known. No vouchers have been received for them. It would be the duty of the officers in whose favor those requisitions were made, to receipt for the same to this office, the moment they come to their hands. All which is respectfully submitted.

JAMES PAXTON

QUARTER-MASTER GENERAL'S OFFICE, Dec. 2d, 1828

The undersigned, since making his annual report, has received a communication from major-general M. G. Clark, commanding the 4th division, informing officially, that there have been received by the militia within the 4th and 14th brigades composing part of the said division, public arms received from the United States, on account of the quota of public arms accruing to this state, as follows, to wit: 105 sabres, 105 pistols, 32 muskets and bayonets.

Captain Stephen Wood, of the 55th regiment, has on this day acknowledged, by his receipt on file, the receipt from Col. John Spencer, of public arms accruing as aforesaid, to wit: 45 sabres and scabbards, 45 belts and clasps, 45 pair pistols.

Respectfully submitted,

JAMES PAXTON

QUARTER-MASTER GENERAL'S OFFICE, Dec. 31, 1828

The quarter-master general, since the making of his report, and additional report for the present year, has received a communication from major-general H. Lasselle, of the sixth division; from which it appears, that there are in the said division, public arms received from the United States, to wit: 1 6 lb. piece of field artillery, 48 muskets, 84 sabres and belts, and 80 horseman's pistols.

Whether this return is inclusive of public arms stated to be in said division by the general's return of the 28th of February last, Gen. Lasselle does not state.

Respectfully submitted,

JAMES PAXTON

Ray to the President of the Senate, Transmitting Communications[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND. Jan. 10, 1829.

HON. M. STAPP, President of the Senate:

SIR:—Accompanying this message, you will find the report of the board of visitors of the Indiana college, of the last October meeting at Bloomington; together with a report from the agent of the late trustees, of the state seminary of Indiana, which you are respectfully requested to lay before the honorable senate.

Your most ob't. servant,

J. BROWN RAY

[Enclosures]

TO HIS EXCELLENCY JAMES B. RAY, Governor of the State of Indiana.

The undersigned, being a majority of the board of visitors of the Indiana college, have the honor to inform you, that, in conformity to the act of the legislature, we visited Bloomington in October last, at the time fixed by the laws of the institution for the annual meeting of the board of trustees, and for the public examination, and other collegiate performances of the students. The examination was conducted by the Rev. Mr. Hall, professor of languages, and Mr. Harney, professor of mathematics. In the languages, the classes were examined on Ross's Latin Grammar, Mair's Introduction, Selectæ Veteri, Sallust, Valpy's Greek Grammar, Author's Exercises, Græca Minora, and the first volume of Græca Majora. In Mathematics, the examination was on Algebra, Geometry, the application of the former to the latter, the nature of irrational quantities, including the Diaphantine Analysis, Anylitical plane Trigenometry, the construction of Mathematical tables, the doctrine of Fluxions, &c. The number of students was thirty-five; as many, certainly, as could have been expected at so early a period of the institution; the first year of its establishment not having yet expired. Except in one or two branches, none had advanced beyond the studies usually pursued in a Freshman class; and the most of them were only in the preparatory department.

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[1] Indiana *Senate Journal*, 1828-29, pp. 228-31.

We had the pleasure to be present at several meetings of the board of trustees, subsequent to the examination. Some important amendments were made by them to the by-laws, which, however, are still considered somewhat defective. A committee was appointed to investigate this subject, and form a complete system of rules for the government of the college, to be presented to the board of trustees at their next annual meeting. The four regular classes usual in similar institutions, are now organized, and also a preparatory department; the studies of the latter, being in the languages, those already mentioned, together with Kirkham's English Grammar, Woodbridge's Geography, Colburn's Arithmetic—first lessons and sequel. The studies of the Freshman class are, Cicero's Orations, Virgil, Græca Majora, 1st volume, Adam's Roman Antiquities, Murray's English Grammar, Colburn's Algebra, American Geography, Compositions in English and Latin, Hutton's Geometry. Those of the Sophomore class are, Walker's Rhetorical Grammar, Horace, Eastern Geography, Hedge's Logic, Blair's Lectures, Græca Majora, continued, Tyler's Elements of History, Cicero de Oratore, Potter's Grecian Antiquities. The course of studies for the Junior and Senior classes have not yet been established. The great importance of these higher studies suggested the propriety of not fixing them for the present. The subject is referred to the consideration of the committee on the by-laws, whose report will contain their matured opinion relative to these studies. By the time that report is made, the president elect will, no doubt, have removed to Bloomington, and taken charge of the institution, which will secure to the board of trustees the advice and assistance of that experienced and intelligent gentleman, in further digesting the whole course of instruction, and in perfecting the by-laws.

Every possible care appears to be taken of the college edifice, and its appurtenances. The rooms of the building are appropriated to the purposes of recitation, excepting one in the second story, which is occupied by a literary society of the more advanced students; the village of Bloomington furnishing every convenience as to boarding and private rooms for study.

With respect to the financial concerns of the institution, the visitors beg leave to refer your excellency to the report of the treasurer, herewith transmitted, and to the report of the superintendant of the loan office, made to the legislature during the present session; which reports will be found to contain the necessary information on this subject.

The above statements, with the papers referred to, embrace, it is believed, every thing relative to the college, which the law makes it the duty of the visitors to transmit annually to the Governor of the state. In closing this communication, the undersigned take great pleasure in saying, that the regulations of the institution, the proceedings of the board of trustees, the qualifications and deportment of the faculty, and progress of the students, were calculated to excite our highest hopes for the prosperity of the college.

JESSE L. HOLMAN,
ISAAC BLACKFORD,
GEORGE BUSH.[2]

INDIANAPOLIS, January 1, 1829.

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[2] Holman and Blackford were judges of the Indiana Supreme Court.

The agent for the late trustees of the state seminary of Indiana, respectfully reports;

That the seminary section (sold in the year 1820,) for the sum of	$4,822 00	
Received one year's rent for the seminary	16 00	
Received of J. Robinson for clay and cablin	15 00	
do. D. Rowlings for rails	7 00	
Interest received	316 80	
When added makes		$5,176 80
Of which there has been expended	4,409 53	
Agent's 5 per cent. on the same	220 47	
		4,630 00
Leave due of said fund		546 80
Tuition fees received prior to May 1828	143 50	
Tuition fees received since	99 62	
		243 50
		790 30
Of which there has been paid to orders ..		152 50
Leaves due the institution		637 80

JAMES BORLAND, Treasurer.

HONORABLE BOARD OF VISITORS INDIANA COLLEGE.

October 31, 1828.

Bush was minister of the Presbyterian congregation in Indianapolis at this time and later was to be professor of Hebrew and Oriental literature in New York University. *Indiana Magazine of History,* 8(1912):133.

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND. Jan. 15, 1829

HON. ISAAC HOWK, Speaker of the House of Representatives:

SIR:—The undersigned embraces the earliest opportunity to inform the general assembly of the state of Indiana, now in session, that in obedience to a joint resolution of the same, approved on the 5th inst. making it his duty to lay before the commissioner elected by the legislature of the state of Indiana, to negotiate with a commissioner of the state of Ohio, relative to the contemplated Wabash and Maumee canal, and the lands which the former state holds within the latter, by grant from the United States, all the documents necessary for such negotiation, he did, forthwith, transmit to the said first mentioned commissioner, a certified copy of the said joint resolution; his commission as such; a joint resolution appointing a commissioner to adjust the terms upon which the lands granted to this state by act of congress of the 2d March 1827, shall be conveyed to the state of Ohio; a copy of a correspondence between the executives of the states of Ohio and Indiana; and a letter referring the said commissioner to the several acts of congress respecting the said grant, and on the 14th instant, received two communications from the hands of the sergeant at arms aforesaid, from Mr. Sullivan, herewith enclosed marked A. and B.—One of which acknowledges his acceptance of the appointment conferred upon him, and the object of the other, appears to be, to obtain some definite information as to the *terms* on which the cession of our lands should be made to the state of Ohio. You will perceive by a reference to the communication referred to, that the views of your executive or such other opinions as can be relied upon, are solicited with respect to this negotiation. On reading the resolution creating the said commissioner, I was at once aware of the responsibility it would throw upon him, and the difficulty that would arise, from the manifest absence of any instructions whatever, as to the views of this state, relative to the subject generally, and especially with respect to the main question, the equivalent or consideration, that must be insisted on for the land so ceded. The executive of this state (though not required by law to do so,) might with other gentlemen, give their opinions to our commissioner as a foundation for the propositions and definitive arrangements which are to follow; but, these being *individual* and *voluntary acts*, and subject to be disapproved of by the representatives of the people, could not be expected to have the same weight with the commissioner, as if the leading principles which should control the negotiation were settled by the legislature, or the outlines of such a convention as we could accept of, were delineated, leaving the commissioner at the same time sufficient latitude, to conclude the most advantageous compact that can be obtained. If the executive of the state of Indiana, were satisfied, that his opinion coincided with that entertained by the legislature, then being authorized to act, he would cheerfully give such a letter of instruction to the commissioner, as he might believe, would bring the subsisting difficulties to the most favorable conclusion; but, without some expression of the views of your body, he would approach the subject with reluctance. Hoping that you will take this matter into consideration, it may be expected that my opinion will not be withheld on the important point presented on this subject.

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[1] Indiana *House Journal,* 1828-29, pp. 461-66.

I cannot admit that we are *bound,* by any just expectations, that may have been created with Ohio, by the several acts of congress granting those lands to Indiana, and authorizing Indiana to grant the same back to the state of Ohio, or by necessity, to cede the lands in controversy to the latter state, upon any other than reciprocal terms, or such as shall secure to us an interest and advantages equal to the land we shall part with. If the authorities of the state of Ohio believe, that this state will be *compelled* to surrender these lands upon any terms which she may dictate, it is possible that the equivalent which we shall receive for them, will not amount to a fair recompense. That we shall not be reduced to the alternative of sacrificing a grant of lands worth near half a million of dollars, should Ohio insist upon terms that are hard or inequitable, is fully substantiated by the powers which congress by large successive majorities, has exercised in the repeated prosecutions of public works, of national importance, in many of the state governments, without their consent. Congress having power to do these things by virtue of *her own authority,* can unquestionably authorize the same thing to be done by *another.* She may prosecute a national work by persons employed directly by herself, or by a state government, subject to the right of jurisdiction of the state where the improvement is, to every extent, except it is to interfere with its usefulness, or to effect interests or running inseparably connected with the work.

Indiana, it is true, could not prosecute a great public work in another state, without the consent of such state, by *her own authority,* but in the name of the general government; and as her trustee, she may, if the general government has the power to do so.

These premises being presumed, this state might propose to the state of Ohio, to become interested by a subscription of stock or otherwise, in amount to the *value* of the Ohio lands, by paying to the state of Ohio an annual stipulated tax out of said stock, for the privilege of holding an interest in the canal, and for the free navigation by our citizens, of that part of it lying within Ohio, tendering the same privilege to the citizens of Ohio to navigate that part of it which lies in Indiana, free of toll. By this means we should have an interest in the profits of the Ohio section equal to our stock, which might be redeemed by the proceeds of the land sales.

If there were any doubts with respect to the title to these lands being vested effectually in Indiana by the first act of Congress, the act of the last session removes it; or why should provision be made for us to cede to Ohio?

That we may not by the legislation of this session, make ourselves too dependent upon the state of Ohio, by authorizing the sale of our canal lands *lying within our own state, this year absolutely;* and thereby, by implication or positive stipulation, oblige ourselves to open a canal in Indiana; or to pay damages to the purchaser for a breach of faith, I would respectfully recommend to you, to enact a law, authorizing the governor or the canal commissioners to suspend the sales contemplated to be made, if the negotiation with Ohio should prove abortive, until the same is brought to such a conclusion as you may require.

I believe it to be of the utmost importance that such a provision should be made, either in the canal bill now before you, or in a supplemental law.

There is no positive certainty that the state of Ohio will accede to the terms of our commissioner, before our lands are sold, if ever; and then it will be too late to assume that favorable attitude which we might, prior to that time.

Respectfully submitted, Your obed't. serv't.

J. BROWN RAY

[Enclosures]

MADISON, January 10, 1829

HIS EXCELLENCY J. BROWN RAY, Governor of Indiana

SIR:—I acknowledge the receipt of your letter of the 6th inst. accompanying my appointment as "Commissioner on behalf of the state of Indiana to adjust the terms upon which the lands granted to this state by act of congress of the 2d March 1827, shall be conveyed to the state of Ohio." The nature of the trust reposed in me, and the highly honorable manner in which it was conferred, compel me to accept it. Will you please communicate to the legislature my acceptance, and receive for yourself assurances of my regard.

JER. SULLIVAN

MADISON, January 10, 1829

HIS EXCELLENCY JAMES B. RAY:

SIR—In another letter, which Dr. Davis will hand you, my acceptance of the appointment conferred on me by the legislature, is communicated.—I expect to leave this place on the 13th or 14th instant, for Columbus, Ohio, to proceed to discharge the duties imposed upon me—as the weather is severely cold, and the roads rough, I do not expect to arrive at Columbus before the 20th; at which time, I have no doubt I shall find the legislature of that state in session. I presume the commissioner of Ohio, no more than myself, will be disposed to enter into definitive arrangements immediately. A compact, embracing and defining interests, so important to both states, as will probably be formed, should be well matured, and carefully considered.[2]

It may be possible however, that preliminary arrangements will be made, and propositions submitted for consideration, to be acted on at a conference to be holden at some future period. With an eye to that state of things, I would be pleased to receive from your excellency, a communication directed to me at Columbus, Ohio, containing your views of the terms on which the cession of our lands should be made, or the opinions of any intelligent man with whom you may have conversed, what advantages this state is willing to forego, and what equivalent we should ask from Ohio, for the conveyance proposed.

The correspondence between the executives of the two states, furnished all the information which could be expected from a correspondence so general in its nature; but as it is possible we may have a choice of terms, it is advisable to know which would be regarded most advantageous. With the hope that your excellency will afford me all the information you have acquired on this subject,

I subscribe myself, your's respectfully,

JER. SULLIVAN

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[2] See report of the commissioners, *post,* December 10, 1829.

Ray to Thomas H. Blake[1]

EXECUTIVE DEPARTMENT,
INDIANA, INDIANAPOLIS, January 26, 1829.

SIR: The undersigned has the honor to transmit to you "A joint Resolution of the General Assembly of the State of Indiana relative to the American Colonization Society," and a memorial "To the Honorable Senate and House of Representatives of the United States in Congress assembled," which you are respectfully requested to lay before the House of Representatives of the United States.[2]

Respectfully, Your most obedient servant,

J. BROWN RAY

HON. THOMAS H. BLAKE.

John Tate and John Justice to Ray[1]

CONNERSVILLE 9th Mar 1829

SIR You will perceive by the returns, that there has been an election in this county for Recorder—That there is an irregularity in the returns from three townships—That appears we have received the greatest number of votes for the office, but we are neither of us willing to accept it under all the circumstances and it is our desire that a new election should be had—we do therefore hereby resign all pretentions to the said

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[1] U. S. *House Documents*, 20 Congress, 2 session, No. 125. Blake was congressman from the first Indiana district.

[2] In the resolution, the members of the Assembly gave their approbation to the work of the American Colonization Society and asked that the Indiana senators and representatives solicit the assistance of the general government on behalf of the work of the society. The memorial may have been the one relative to the continuation of the Cumberland Road and the improvement of the same, or the one seeking an early extinguishment of the Indian claim to the land bordering on the proposed Wabash and Erie Canal. See *Laws of Indiana*, 1828-29, pp. 154-55, 155-56.

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[1] LS. ISL:Archives Division, Election Returns, March 1829.

office by virtue of the present election and desire that your Excellency will issue a new writ of election—[2]

Witness
E J Kidd
Nicholas Reagan
Jno Test
His Excellency Govr Ray—

John Tate
John Justice

Ray: Appointment of Quartermaster General[1]

William Quarles Esqr. Quarter Master General, in the place of James Paxton decd.

Apl. 14, 1829.
Secy. of State

J. B. Ray
Govr. of Inda.

Benjamin Antrobus to Ray[1]

Greensburg Decatur Cty April 20th 1829

Sir I write to you again concerning the office of sherrif in this county. the father of our sherrif who went with him has returned and says the sherrif will not return untill July and uncertain whether ever he will return as he is very much involved in det in this county and holds no property his securitys will all be broke up, to satisfy the revenew which is about 900 dollars I feare the state will loose part of her revenew due from this county. I thinke the office may be considered vacant and it is hily necessary to have it fild as soon as possible. I cannot recommend Robert Elder as a fit person to fill the office of sherrif, as he is involved in det and one of Parkses securities and destitute of any peroperty, and conclude by recommending

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[2] A writ was issued for a new election to be held the last Saturday in April. Tate was apparently successful for he was commissioned recorder on May 11, 1829. *Executive Proceedings, 1816-1836,* p. 429.

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[1] ADS. ISL:Archives Division, Military file.

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[1] ALS. ISL:Archives Division, Recommendations and Appointments.

Abraham Hendrix as a fit person to fill the office of sherrif the balance of the term[2] Yours &c

BENJAMIN ANTROBUS[3]

TO HIS EXCELENCY JAMES B. RAY

Governor of Illinois to Ray, Writ of Extradition[1]

[May 26, 1829]

Jeremiah Johnson of the Town of Lebanon, in the County of St. Clair, and State of Illinois, being of lawful age, and first duly sworn, maketh oath, that he has good reason to believe, and does verily believe, that a certain Paul Vallad, on or about the night of the third day of November, 1827, and at the town of Lebanon, in the county and State aforesaid, did feloniously take, steal, and carry away, from and out of the possession of the said Johnson, a certain Mulatto female slave, named Mary, aged about fifty years, and then the lawful property of the said Johnson; and he is informed, and believes, that said Paul Vallad has fled from the justice of the State aforesaid, with the said female slave, into the State of Indiana.

JEREMIAH JOHNSON

St Clair County } SS
State of Illinois }

Personally appeared before the subscriber, a Justice of the Peace in and for the County and State aforesaid, the above named Jeremiah, who subscribed the foregoing statement, or Affidavit, and made oath to the truth thereof. Witness my hand and seal this 18th day of May 1829.

DANL S. WITTER J. P. (Seal)

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[2] The sheriff, John Parks, had been commissioned August 24, 1828. Abram Hendricks was appointed sheriff April 28, 1829; John Thomson was elected to the office at the general election in August and commissioned August 12, 1829. *Executive Proceedings, 1816-1836,* p. 416.

[3] Associate judge, Decatur County.

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[1] DS. ISL:Archives Division, Pardons and Remission of Fines.

I Ninian Edwards, Governor of the State of Illinois, do hereby certify, that the foregoing are true copies of the affidavit of Jeremiah Johnson, and of the Certificate of Daniel S. Witter, a Justice of the Peace in and for the County of St. Clair and State aforesaid, and moreover that the said Daniel S. Witter was at the time of administering the said Oath, and making the said Certificate, an acting Justice of the Peace in and for the County and State aforesaid, lawfully commissioned to act as such, and that full faith and credit are due to his official acts. In testimony of which I have hereto subscribed my name, and caused the seal of the state to be affixed. Done at Vandalia this 26 day of May 1829, and of the Independence of the United States the fifty third year.

By the Governor NINIAN EDWARDS

A. P. TULA Secry of State

[Endorsed:] Let a warrant be made out to Mr. John Eckhart Esqr. to apprehend and take the fugitive back to Illinois June 1829. Ray Morrison Secy.

William Bradley to Ray[1]

VEVAY 15 June 1829

HIS EXCELLENCY THE GOV. OF INDIANA

SIR On the 4 day of July 1829 I shall cease to perform the duties of an associate of the Circuit Court of the County of Switzerland and you are therefore requested to accept this as my resignation of that office on the 4 day of July 1829 and order an election accordingly.

Respectfully

WILLIAM BRADLEY

[Endorsed by Ray:] Let a writ of election issue on the 4th day of July 1829, to be held 1st Monday of August.

[Endorsed by Secretary of State Morrison:] Writ of election issd. 20th June.

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[1] ALS. ISL:Archives Division, Secretary of State file.

James Morrison to Ray[1]

INDIANAPOLIS June 19th 1829

DEAR SIR I received yours last evening and delayed answering it, until I had examined the Journal of the Senate—

I was satisfied that the memorial had never been deposited in the office, and consequently that its non appearance in the acts, could not be attributed to negligence on my part—

By reference to page 88 of the Journals you will find the memorial passed the Senate—page 120 returned to the Senate after having passed the House—& page 133 the committee on enrolled bills report the same truly enrolled, but it does not appear to have been presented to the Gov. for his approval—indeed there is nothing more on the subject—[2]

Very Respectfully Your Obt Servt

JAMES MORRISON[3]

[Memorandum on the side in Ray's hand:] I recollect after I came into office that I was called upon in two instances for copies of acts which had passed, but which were not among the bills in the office;—and on search they were both found among Genl Dills papers. One of them was for the relief of Col. Marshall & his securities—the other I do not now remember.

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[1] ALS. ISL:Archives Division, Governors' file.

[2] The memorial in question concerned improving the mail route from Louisville to St. Louis via Vincennes. An examination of the *Senate Journal* confirms Morrison's statements. The previous Assembly had passed a resolution on the subject which was printed. *Laws of Indiana*, 1827-28, pp. 137-38. The 1829-30 session of the Assembly passed a resolution seeking a land grant for the states of Kentucky, Indiana, Illinois, and Missouri to provide funds for improving the road over which the mail passed. *Ibid.*, 1829-30, pp. 174-75. Senator John Ewing introduced a memorial to the Congress of the United States during this session on the subject of removing the obstructions to the navigation of the Wabash and White rivers and of improving the mail route from Louisville to Vincennes; it passed both houses and was signed by the Governor. Indiana *Senate Journal*, 1829-30, p. 326. It was not printed. In the Governors' file, Archives Division, ISL, there is a draft of a letter from Ray to Ewing, June 14, 1830, in which Ray stated that a memorial was not an act and therefore should not be printed in the session laws.

[3] Secretary of state, elected by the last General Assembly.

[Forwarded by Ray to:] Judge Ewing Vincennes Indiana

Ray to Capt. John L. Smith[1]

INDIANAPOLIS, INDIANA, June 20, 1829

SIR: The receipt of your letter, requesting me to furnish you with the names of some intelligent gentlemen in the Wabash country, to aid you in the performance of the important business in which you are engaged, together with a letter from Col. Blake of Terre Haute, the late Representative in Congress from that district, requesting me to furnish you with a copy of the report of Messrs. Polk and Hinde, to the late General Assembly of Indiana, relative to the practicability of improvements at the Grand Rapids in this State, are duly acknowledged.[2]

In compliance with the request made of me, I herewith have the honor of furnishing you with a copy of said report. I have but little doubts but that, as you proceed along the Wabash, you will find the people of that region, inclined to furnish you with all the information in their power, concerning the true situation of the Wabash and its obstructions. You cannot avoid making the discovery yourself, of those intelligent gentlemen who can most aid you; for such is their anxiety on the subject of your mission, that they will voluntarily seek an interview with you. It is not at all improbable, but what you will be pleased with an acquaintance with such men as Gen. Neely, of Princeton; Major Robb, of the same county; John Ewing, John Law, or Major Reily of Vincennes, Knox county; Mr. Hubbs, of Sullivan county; Thomas H. Blake, William Linton, or Judge Deming, of Vigo county; Joseph Hays, Mr. Rea, or John C. Coleman, and Mr. Blair, of Vermillion and Park counties, or Dr. Clarke, of Tippecanoe county. From these, and many other gentlemen, you must obtain much valuable information, such as you are in pursuit of.

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[1] U. S. *Senate Documents,* 22 Congress, 1 session, No. 21.

[2] By an act of Congress, May 23, 1828, $500 was appropriated for surveying obstructions to the navigation of the Wabash River. John L. Smith of the U. S. Corps of Engineers was placed in charge of the survey and after making a preliminary examination he employed John K. Graham of New Albany to examine, explore, and level the river between the mouth of the Eel and the mouth of White River. Smith did not make his report until February 7, 1831. It included a detailed estimate of the cost of removing obstructions. It was printed with the present letter in *Senate Documents,* 22 Congress, 1 session, No. 21, pp. 2-11.

Ray enclosed the report of William Polke and Thomas S. Hinde, joint commissioners of the states of Indiana and Illinois, who made a survey in 1823 of obstructions to the navigation of the Wabash. *Ibid.,* 12-17.

I have the honor to remain, Sir, your most obedient servant,

J. Brown Ray

Capt. J. L. Smith, Corps of Engineers.

David Hoover to Ray[1]

[June 26, 1829]

Indiana Wayne County Towit

. I David Hoover Clerk of the Wayne Circuit Court Certify that the office of associate judge of said Court is now vacant in consequence of the removal of Judge John Scott to Logansport Cass County Indiana and that he certified the same into the Clerks Office of said County

In testimony whereof I hereunto subscribe my name and affix the seal of my Office at Centreville this 26th day of June 1829

David Hoover C.W.C.C.

[Addressed:] His Excellency James B. Ray Governor of Indiana Indianapolis

[Endorsed by Ray:] Let a writ of election issue to 1st Monday of Augt.

[Endorsed by Secretary of State Morrison:] Writ of election issd. June 29

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[1] ADS. ISL: Archives Division, Secretary of State file.

Ray: Offers Reward for Capture of Fugitive[1]

[July 12, 1829]

$25 REWARD

The above sum will be given by the undersigned, for the apprehension of WILLIAM SHARP, and his delivery to the custody of the sheriff of the county of Marion, Indiana, who broke the jail of said county on the night of the 7th instant, and escaped, being confined on a charge of having committed a Rape. It is said that the said Sharp is lurking in the neighborhood of the town of Indianapolis. He is a likely looking young man, about 24 years of age, heavy made, round shouldered, light hair, blue eyes, & often a down look. He has been seen lately to wear a casinet coat, and a cap, tho' he has a Leghorn hat.

James B. Ray,
Governor of Indiana.

July 12, 1829.

Henry C. Hammond to Ray[1]

Brownsville, July 22nd 1829

Dr Sir, I write in haste & on business of much importance, to the citizens of this County. Col McMeans, our present sheriff, is about to resign his office, being a candidate for Representative, & much important business will remain to be done prior to the Sept term of the Court. William Watt was elected, at the annual election, in 1827, coroner of this county, but owing to the commission's being directed to Liberty & a long sickness of his family, he neglected to take the same from the post-office, relying on the promise of Esqr Leviston who forgot the business, & the commission was sent to the General Post-Office as a dead letter. The

[1] Indianapolis *Gazette*, July 16, 1829.

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[1] ALS. ISL:Archives Division, Resignations file.

return of Watt's election you will find on file, in the Secretary's office. It is the request of Col McMeans & the citizens of this county, generally, that you would execute another commission, so that the same can be received by next Tuesday's mail, directed to Brownsville, as the present sheriff, is desirous of resigning as soon as the coroner is capable of acting in his place.

Accept my best wishes for your health & prosperity Yours, with much respect

H. C. HAMMOND[2]

HIS EXCELLENCY J B RAY

[Endorsed by Ray:] Union County Wm Watt, Comn for Coroner. Let an alias commission (or duplicate) issue.

[Endorsed by Secretary of State Morrison:] duplicate issd July 29th 1829

Ray to John Richardson[1]

INDIANAPOLIS, INDIANA, July 31st [1829]

JOHN RICHARDSON, Esqr.

SIR:—The undersigned is a believer in the progression of the arts and sciences, and heard your lecture on your new theory on the causes of the motions of the planetary bodies, belonging to the Solar System, on Saturday evening in this place, and now desires to acknowledge the satisfaction which he felt in your elucidation of your anti-Newtonian theory. The principles of attraction and repulsion, as applied by you to all Satellites, to make them revolve around their principals appear to possess too much plausibility, not to find advocates in the liberal and enlightened age in which we live. And the agency which your system gives to electricity in the Solar regions, fully proves, that the science of astron-

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[2] Hammond was commissioned probate judge of Union County on August 15, 1829. *Executive Proceedings, 1816-1836,* p. 622.

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[1] Indianapolis *Indiana Journal,* July 30, 1829.

omy will be much indebted to your labours. My desire and belief is, that you will meet with encouragement in the promulgation of your theory, from the best philosophers of the day, and from an unbiassed public. For one I can assure you, that I shall regret it, if any thing shall take place, to abate your ardour in spreading your excellent views before the American public. Reason must prevail over prejudice and naked assertion.

Very respectfully, I am Sir, Your obedient servant,

J. BROWN RAY[2]

Matthew Noel, *et al.*, to Ray[1]

ROCKVILLE IND. 10th Aug. 1829

SIR At the general election on the 3d inst. in Parke County, Joseph Potts received 518 votes for Probate Judge and James McKinney received 180 votes for the same office. Both candidates hold certificates of qualification from the Hon John R. Porter. The clerk of Parke Circuit Court has declared his intention to give a certificate of election to James McKinney on account of the fact alleged, and believed by him, that Joseph Potts was not a resident of this county one year previous to the election: we are induced to make this representation of the facts of the case to you. Joseph Potts has resided several years in this state to wit in Orange County and sometime in November last purchased real estate and settled upon it in Parke County. James McKinney has

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[2] Ray's letter was one of three printed in the *Journal* regarding the lecture. The letters were preceded by the following statement: John Richardson Esq. of Ill. gave a lecture at the courthouse Saturday last [the 25th] regarding his theory of the causes of the motions of the planetary bodies—in opposition to the Newtonian system. "Mr. R. appears quite sanguine with regard to the discoveries. . . . " "The following letters will shew the favourable impression made upon some at least of those who attended his exhibition. . . . " The other two letters were written by W. W. Wick and E. Sharpe.

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[1] LS. ISL:Archives Division, Election Returns, August 1829.

resided at different places in the Wabash country, but we are informed that for a year or two past he has lived the greater part of his time in this county. The enclosed statement of the Collector of taxes for this county will show where the said James McKinney considers his residence to be, and the number of votes received by the two candidates decides which one of them is the choice of the people.

If Joseph Potts can be commissioned consistently with a sound construction of the Constitution and Statutes the delay and expense of another election will be avoided. If he cannot, we hope that a new election may be ordered, for we feel no hesitancy in declaring our belief that the commissioning of James McKinney as Probate Judge would be highly disagreeable to the feelings of a large majority of the people of Parke County.

MATTHEW NOEL
D MORRIS

We have never heard W. Rea say that he would give a certificate to James McKinney but we believe the facts above stated to be true—

ARTHUR PATTERSON
MW. T. NOEL
ANDREW RAY

ROCKVILLE IND. 10th Aug. 1829

SIR I have been Collector of state and county revenue for Parke County for the Years 1827 & 1828, and am able to state that no taxes have been paid in said county by James McKinney during the two years aforesaid. Last fall I frequently called upon James McKinney and demanded payment of his taxes which he utterly refused and declared that he was not a resident of this county, that they would expect him to pay his tax in Vigo county and that therefore he would pay nothing here, or words to that effect.

Upon comparing the returns of election on Wednesday last, it appeared that Joseph Potts had 518 votes for Probate Judge and James McKinney had 180 votes for the same office. Wallice Rea Clerk of Parke Circuit Court (who has been a very warm advocate of the election of James McKinney) having at that time declared that Joseph Potts was not eligible to office and that therefore he was bound to give a certificate to James McKinney, I related to him the above recited conversation of said McKinney and offered to make affidavit of the truth of it.[2]

A. M. PUETT

Joseph Potts to Ray[1]

DICKSON MILLS PARKE COUNTY Augt 11th 1829

TO THE HONORABLE JAMES BROWN RAY Governor of the State of Indiana

DEAR SIR You will shortly receive the return of the election for probate judge in the county of Parke and as I have received a considerable majority over my competitor James McKinney for that office I therefore in behalf of the people and the individual who now addresses you pray your special interference in with-holding the date of my commission untill after the first day of December next as I have recently removed into this county from the county of Orange and do not think myself constitutionally eligible untill after that date your interference in this particular will be gratefully remembered by me and no doubt by the people of this county generally as the poles stand 518 for J. Potts and 180 for J. McKinney his moral character is a great objection to him and also that he has no settled residence but I presume your honour knows his character better than I do as he once lived in Brookville—I presume there will be no contest in the election, and your making the appointment after that date all will be within the meaning

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[2] A writ of election was issued on August 17, 1829, and Potts was commissioned probate judge December 25. *Executive Proceedings, 1816-1836,* pp. 551, 552. See Potts's letter to Ray below.

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[1] ALS. ISL:Archives Division, Governors' file.

of the constitution no inconvenience will arrise therefore to the community or any individual

I am your humble servt

JOSEPH POTTS

James G. Read to Ray[1]

WASHINGTON, Sept. 8, 1829

DEAR SIR My friend and neighbour Will. H. Routt informs me that his appointment as county surveyor has expired and it affords me great pleasure to say to you that he is well qualified, and a gentleman of high standing—his reappointment will give I believe universal satisfaction

I am sir your obt Friend

J. G. READ

J. B. RAY Esqr

[Endorsed:] Comd. Sept. 11th [1829]

Ray: Message to the General Assembly[1]

[December 8, 1829]

GENTLEMEN OF THE SENATE, AND HOUSE OF REPRESENTATIVES:

The occasion on which you are assembled, as the representatives of the people, for solemn and patriotic deliberation, upon the great concerns of the state, is most auspicious and interesting. Protected and prospered by the goodness of Providence, which has been eminently displayed during the past year, our grateful and devout acknowledgements should be offered to the Divine Giver of the manifold favors bestowed upon us. The many blessings which have been dispensed to the people of Indiana, in common with those of her sister states, should in-

[1] ALS. ISL:Archives Division, Secretary of State file.

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[1] Indiana *Senate Journal,* 1829-30, pp. 9-42. Also in *House Journal,* 1829-30, pp. 14-46.

spire us with a solemn sense of the great and joint responsibility thus enjoined upon us, to improve upon our numerous advantages; while we venerate the Power that bestows them, as the only condition on which we can hope for a continuance of His smiles and favor. Healthful seasons, abundant harvests, with peace, general prosperity, and a growing morality, are the displays of his goodness; which, while they demand our mutual, fervent gratulation, and grateful remembrance for the past, serve to brighten our prospects of the future, and impose the duties of activity and diligence, as the surest means of being enabled, under the divine blessing, to realize its fondest anticipations.

The unabated current of emigration, which still continues to flow into the state, and to spread itself throughout the limits of our territory, affords the surest indication of our rapid approximation to that high rank among the states of the Union, to which we must be irresistibly conducted, by our own fixed and commanding condition and advantages. Other and not less important indications of this approaching result, are witnessed in the abundant productions of a late uncultivated but fertile soil, recently visited by the plough and the sickle;—in the improvement of natural facilities of conveyance, and the projection and progress of artificial ones;—and in the increasing wealth, enterprise, intelligence, temperance and morality of the general and rapidly accumulating mass of our population. This state has, justly, within the past two or three years, arrested more of the attention, and elicited more of the admiration of the American inhabitants, who have resolved upon a change of domicil, than any in the Union. For months past, we have daily seen from twenty to fifty wagons, containing families, moving through this single metropolis; most of whom have fixed their abodes in the White River country, and in that bordering upon the Wabash. To suppose, that there were six families, to have daily gone through this place, on an average, for the whole year, and that not more than a fifth of the whole which the entire state receives, take this route—making our daily aggregate increase, thirty families—would not appear to be extravagant. Add to this, the supposition, that each family amounts to six in number, and our diurnal increase would be one hundred and eighty; which multiplied by the days of the year, make altogether, sixty-five thousand seven hundred souls. To this, too, may be added, at least five thousand for the natural increase, by births more than deaths,—giving us at this time, upon this hypothesis, about seventy thousand additional per annum. This is but conjecture. But may we not, with mathematical certainty, take three fourths of this computation for the *minimum* of our real increase?[2] Could we but be permitted by any honorable means, to make the complete increase of another full year a part of the next federal census, to be taken during the ensuing season, by a procrastination of the service, until late in the fall, our complete return would then, likely, be four hundred thousand; which, under an apportionment bill, fixing the ratio at fifty thousand, would swell our congressional delegation from *three* to *eight,* in ten years time. So great an influx from abroad, in connexion with the natural increase at home, of human intelligences, so suddenly incorporated into the community, whose interests the statesman has in charge—many of whom are just rising to manhood—whilst others are possessed with their riper judgments, formed by their earlier education and first and most indelible impressions—impose upon those in power, a trembling responsibility, in the wise application of law to the varied condition and multifarious circumstances of all, upon the broad basis of general equality; and reconciling at the same time, the demands of public policy with individual rights. The task, so very often exacted from the law-giving authority, in a new state like ours, with a people of such a variety of uncompromised opinions, entertaining as many different views of social regulation, as there are countries or states from which they sprung—to give entire satisfaction to all, is an undertaking, under prospects of success, but a little more cheering than those which have hitherto illumined the path of the bold and indefatigable projector of perpetual motion. But though such discouraging obstacles rise up before the Legislator, in the midst of his noblest exertions for the honor and interest of his country; it is not his duty, for this cause, to relax his diligence and efforts, in devoting his days to the public service;—still aiding the great cause of "successful experiment," with all the available means at his control, mental, physical, or pecuniary, and leaving the result to the indulgence and charity of his fellow-citizens.

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[2] In the decade between 1820 and 1830 the population of Indiana increased from 147,178 to 343,031, a total of 195,853 or an average of about 20,000 each year. The increase was probably greater in the last half of the decade than in the first half.

Market.

At no former period within the history of the state, have our yeomanry been more amply rewarded for the various productions of their soil and labor, than in the year which is just coming to a close. Like commerce, agriculture has of late experienced her agreeable fluctuations. The prices which flower, corn, pork, beef, whiskey, and other inferior articles of export, have commanded for the past season, are encouraging to our present respectable class of farmers, and inviting to those to become proprietors of soil, in this more favored region of the "great west," who are situated in countries where nature has been less prodigal of her gifts.

The invasion, by Spain, of her old colonies, now the neighboring republic of Mexico—the civil wars in South America—the failure of crops in many parts of Europe, and the augmented armaments and preparations for Russian and Turkish warfare, have not been without their influence in regulating the price of American bread stuffs. And the late successes which attended the triumphant battalions of the invader, calculated to put a period to the war, by the fall of the empire of the Ottoman, or to produce a speedy pacification, or a still more general rupture, in connexion with Mexican and South American disturbances, will, in after time, either for good or for evil, tend to regulate the price of

American staples. If, independent of the charms of the pastoral life, inducements were wanting for the investment of capital and labor in agricultural employment, and to cause the farmer, *first* in the roll of his country, to adorn and venerate his own high post of honor, they are to be found in the relative condition of the different and mutually dependent classes of industry. Agriculture, on whose operations depend the prosperity of all, will inevitably meet the reward due to her products—from the gradual diversification of mechanical, professional, and other employments,—from the rise of manufactures, transmuting large bodies of people from producers to consumers—from the magical growth of cities and towns, and from the general abandonment, by the southern states, of the culture of productions better adapted to northern climes, for the more profitable pursuit of raising cotton, rice, sugar, and other tropical fruits.

State Internal Improvement.

This subject, though more than once pressed upon the attention of the Legislature, can never grow irksome, since it must be the source of many of the blessings of civilized life, to secure its benefits, is a duty enjoined upon the Legislature, by the obligations of the social compact. It is the greatest auxiliary which belongs to human industry in the legitimate performance of her noblest functions, aiding all her operations with convenience, profit, and velocity, in transporting and diffusing the bulky labors of her hand; thereby ministering to the wants, and augmenting the pleasures of the social state. The best of countries and the best of markets, are alike unavailing, in the absence of those facilities, which can alone render both interesting and valuable. Roads and canals serve to diminish distance,—to save time and labor,—to save and make money,—while they are the means of intercourse, and the bonds of union, to communities that might otherwise become distinctive in character and interest; whose ultimate prosperity must mainly depend upon an uniformity of the one, and a reciprocity of the other. They ever have maintained a proud pre-eminence in the bosom of every well-wisher of his country. Indiana will be taught by experience to view the construction of useful improvements, as identical with the realization of her most sanguine anticipations, in the attainment of power and happiness. Her navigable rivers and leading roads are objects worthy of the most intense solicitude of the Legislature. Upon these objects, the bestowal of both treasure and attention, must be prompted, if from no other consideration than a regard for the great farming interest of the country, whose hopes on this subject are equal to their claims.

A regular system of state internal improvement, adapted to the wants and resources of the people, and also in anticipation of a just proportion of the surplus revenue, which, but a few years hence, after the extinction of the national debt, will remain in the treasury of the Union for distribution and expenditure, and with an eye to the public lands or their proceeds, would not be considered, even at this early period, either premature or impolitic. The precautionary step of preparing the public mind for the most important public works, by the time that other means than those of the state, may be accessible, will doubtless be duly appreciated by your constituents, and will deservedly give you a strong claim upon their increased good opinion of your wisdom, your valuable services, and your fidelity to the state. To you, best acquainted with the views of those whom you have the honor to represent, whose privilege it is, to bring forward and perfect the details of such a system, this subject is gravely submitted.

In agreeing upon a general system of state improvement, to be effected at some future time, by the combined resources of the national and state governments, among the expected works of undoubted utility, which the topography of the state shall recommend to your notice with prominent plausibility, the following deserve to be noted for their importance: The construction of a rail-way from a southern point on the Ohio river, to the Wabash and Erie canal, by the way of the seat of government: another from Fort Wayne, through the White Water country to Lawrenceburg, (a canal having been reported impracticable;)[3] and a clay turnpike road from the seat of government, running eastward, in a direct line for the city of Cincinnati. When the Michigan and Ohio road shall be permanently established, it will doubtless be expedient to intersect it at different points, with clay turnpike roads from various directions; as well as to improve by turnpiking or other means, the road from the Falls of the Ohio to Vincennes, and the roads from Indianapolis to the western, south-western, northern, and north-eastern, and western parts of the state. Other improvements are expected to be pointed out by your sagacity.

In the meantime, it will also be expected from the justice of the Legislature, that, if any portion of the three per cent. fund, beyond the one hundred thousand dollars already expended, should hereafter be appropriated on roads, an equitable proportion of the same will be laid out in making roads through the new counties, which have been organized since the passage of the act appropriating the one hundred thousand dollars.[4] The improvement of our rivers and common roads, by the yearly application of additional labor or money, is as essential to the health of the body politic, as is the free circulation of the blood from the heart, through the whole arterial human system, to its vigor and usefulness. Whatever portion of expense and labor, is applied to these objects, is amply repaid by its own productiveness; but, should not exceed the limits of a judicious economy. In another place this communication shall look with great confidence, to a change of service from the *useless* to the *beneficial,* as a means of forwarding our most solid interests in this respect.

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[3] After some delay caused by the death of U. S. Engineer Asa Moore, the survey for a canal through the Whitewater Valley to unite "the waters of the St. Marys, St. Josephs', and Wabash rivers" with the Ohio, had been resumed and completed in January, 1829. Col. Howard Stansbury who succeeded Moore reported that such a canal route was "impracticable." Indiana *House Journal,* 1829-30, Appendix, p. 8.

[4] The House adopted a resolution calling on the committee on roads to report a bill appropriating what remained in the Three Per Cent Fund and what would be paid into the fund the next year for roads in new counties. No such bill passed, but the legislature did provide for a number of roads leading into and through the new counties. *Ibid.*, 1829-30, pp. 135-36.

National, New York, and Mississippi Rail-way

The master spirit of the age—the genius of improvement—as if with the design of increasing the astonishment of nations, already watching the progress of the American states, with an admiration which even jealousy cannot smother, has, within the last year, penciled to the public view, a project as grand in its design as it would be glorious and useful in its execution. Nor does its magnificent conception obscure the sober conviction of its practicability. Nothing less is aimed at than the gigantic purpose of wedding the extremes of our vast country by one of the most approved methods of conveyance, which, for celerity, ease, and cheapness of inter-communication, stands foremost on the list of modern inventions of the kind.

"The proposed rail way, has for its object, not only the connection of the great cities on the borders of the Atlantic, with the magnificent lakes and rivers of the west, by a channel, available at all seasons of the year, but also the development of the latent wealth and resources of large and valuable tracts of country, comprising the border counties of New York, New Jersey and Pennsylvania, and extending along the more remote portions of the route, which are not now traversed, by any of the great works, which have been constructed, or are in progress under the patronage of the several states.[5] It affords happy facilities for accomplishing these great objects, in a manner that will best subserve the interest of the whole community; and by connecting the great canals and rivers of New York, Pennsylvania, Ohio and Indiana, at different points, will afford important collateral aid to the plans of internal improvement which have been adopted in these states." The friends of this work, anticipate by it, a connection between the city of New York and the Mississippi, a distance of nine hundred and ninety-three miles. Its course will be through six of the states of this union and pointing to the seventh. "The whole extent of the proposed rail way, could be constructed for a sum, little, if at all, exceeding that which the state of New York has expended on its justly celebrated canals; and its cost would be trifling in comparison with its benefits, or even to the increased value, which it would give to the lands which border on the route. It would when completed, be far more beneficial in its effects on the intervening country, and on the National prosperity, than to turn the Mississippi itself, (with her train of evils along with her blessings) in the same course. Free from the inundations, the currents, the rapids, the ice, (its unhealthy atmosphere, the perils) and sand bars of that mighty stream, the products of its widespread valley would be driven to the shores of the Atlantic, with far greater speed, than if wafted on the wings of the wind; and the rapid returns of commercial equivalents, would spread life and prosperity over the face of the finest and fairest portion of the habitable globe." "Without enquiring whether such a work could best be accomplished by the several states through which the route extends; or by incorporations, aided by grants of money or

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[5] Governor Ray is quoting from William C. Redfield's pamphlet, *Sketch of the Geographical Rout of a Great Railway,* published earlier in the year. Redfield, a Yankee harness maker, envisioned a railroad line built straight west from New York City to Rock Island on the Mississippi, which would connect the canals and navigable waters of New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, and Missouri. He had traveled over the entire route by coach and canal, packet,

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steamboat, and horse. His pamphlet was widely circulated and attracted considerable attention. It led to the granting of a charter by the New York legislature, three years later, to the New York and Erie Railroad Company which in due time built a railroad over approximately this same route. Stewart H. Holbrook, *The Story of American Railroads* (New York, 1947), 50-51; Edward Hungerford, *Men of Erie* (New York, 1946), 5-7, 19.

The House and Senate Journals contain no comments on this part of the Governor's message.

lands from the general government, it is sufficient to assert, that our citizens have only to appreciate the value of the enterprise and raise their voices in its favour and it will be accomplished." A single rail way, and turnouts graded sufficiently wide for two sets of tracks, for the whole distance, are estimated at only $8,000,000. This is scarcely the third of the national income for a single year. It is ascertained, that this does not equal the half of the sum paid yearly by the consumers of wines and ardent spirits in the United States. The cost of transporting, only one dollar per ton, per one hundred miles. Merchandise could be conveyed from New York to the Mississippi in a week, and mails and passengers with still greater velocity. The route of this Way, changed further south so as to run more central through the western states directly interested in it and these states wishing to promote their advancement in wealth and power, by a multiplication of all the resources which constitute greatness, individual happiness and prosperity, must yield to it a cordial and unwavering support. Indiana should take a peculiar pride in supporting a cause which will throw her commodities, into the best markets on the continent.—Let her speak to her congressmen on the subject, that they may feel at liberty to give it their aid if the great question should be agitated there. When it is considered that the surplus revenue of the Nation, which will, in three or four years be under the control of Congress, more than can be used in the ordinary support of the government, which the states directly interested in the work, would be entitled to, as their just proportion, upon any known principle of distribution, as to territory, population, or federal representation—is competent to the consummation of this brilliant scheme in two short years—the magnitude which at first blush, the work assumed, dwindles into one of easy accomplishment.

National Road

The history of the progress of this road westward for years past has been attended to with deep solicitude. The fifty thousand dollars appropriated on it by an act of the last Congress,[6] must be viewed as an *advance only* of so much of the two per cent. fund, which the people of the new states are entitled to and is now due—not as a *boon* but as a *right*—by the act of Congress of 1816, and as a consideration for yielding up the right of taxing the public domain. The reflection that this sum of money is not a free gift appropriation out of the national treasury—like many of those that preceded it, for the continuation of this celebrated federal ligament, but the *dearly bought* fund of the state, which might with propriety have been appropriated on other roads "leading to the state," leaving the national road to be completed by national means, has awakened a lively interest to apply it in a judicious manner. The ambiguity of parts of the act, and the singular expressions of other parts, indicating a compliance with what the science of road making would condemn, occasioned rather an uncommon difficulty in arriving at its proper construction. The whole, however, has resulted in the closing of contracts for removing the timber off from the whole width [80 feet] of the road, and for grubbing thirty feet of the centre, through the state; so as to leave the road prepared for grading and the immediate application of other appropriations, which it is expected you will ask Congress to make, at their coming session. There will be a surplus of about $15,000 in the hands of the commissioners, to be expended, during the next season, in digging down abrupt elevations, &c.[7] The last instructions from the secre-

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[6] *Ante,* 387n.

[7] Homer Johnson and John Milroy, superintendents of the road in Indiana, reported that cutting and removal of timber was completed on about two thirds of the route through Indiana, and grubbing of stumps out of the center was completed on about one eighth. They estimated that another $50,000 would be needed to make it "a *tolerably* good or even a *passable* road." Indiana *House Journal,* 1829-30, Appendix B. The Assembly sent two memorials to Congress regarding the road, one for its completion and the other for additional improvements such as bridging streams, filling holes, cutting down steep banks and filling ravines. U. S. *Senate Documents,* 21 Congress, 1 session, 1:No. 43; U. S. *House Reports,* 21 Congress, 1 session, 1:No. 174.

The Secretary of War, in a letter to William Hendricks on Febtary of war, requiring the timber in the centre of the road to be grubbed instead of cut, though not expressly authorised by the *letter* of the act, are in accordance with its *spirit,* with common sense, with common usage, and of almost inconceivable advantage to the state; and entitle the proper department to the most unqualified commendation. This latter determination, will encourage us to look with increased confidence, for the completion of the road within some reasonable time. But the policy of leaving the stumps of the durable timber in the road, wears the most questionable complexion, creating as its sure consequence, an apology founded in reason for procrastinating any further operations on it, until the same shall have decomposed by times wasting process. And we are still further consoled, by the conviction, created by the new instructions, that the President is about to become its patron.

I have it in charge from the secretary of war, to apprise you, that there is no law of Congress in existence, authorising the condemnation of individual property, through which this road passes, that has not been relinquished, which the commissioners suppose to be about ten miles in length. Our constitution which secures to the citizen the inviolable right of private property, necessarily makes it incumbent on you at this session, to pass some law (there not being any that embraces this case) which will make provision for the redress of any injury that may accrue to such property from an extension of the road upon it. The commissioners are instructed not to brake soil in any case, where the privilege of way has not been granted, until the property is condemned through the action of a state law.[8] The amount of damages

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ruary 9, 1830, acknowledged that the road was almost useless in its present state and recommended that $80,000 be appropriated for its improvement that year. Indianapolis *Indiana Journal,* April 14, 1830. This was cut by Congress to $60,000 for "opening, grading and bridging" the road in Indiana, and $15,000 was appropriated for payment of claims due and remaining unpaid on account of the construction of the road east of Wheeling. U. S. *Statutes at Large,* 4:427.

[8] The superintendents reported all but four miles of the land relinquished, but some contracts had been let on the promise that

which the state may become liable to pay, if any, should, as a matter of course, be made the subject of further congressional legislation, and be refunded out of the national treasury.

Michigan and Ohio Turnpike

This road has already unnecessarily been the cause of much artificial, fallacious and embittered controversy and excitement. The subject is again presented, under the confident hope, that former differences of opinion and interest, will be speedily adjusted, and that provision will be made for the permanent and judicious location of the whole route from the Lake to the Ohio river. Under this impression, and having taken an active interest in this important work, from the time it was first conceived and projected, I avail myself of this occasion, to review briefly, the report of the Commissioners of this road, of 1828.—[9] This I conceive to be a duty, the omission of which, no cause, private or political would justify, in the view of my own conscience, and in that of posterity—should there be danger of defeating the great original design of making this work an extensive blessing to the people of Indiana, by the influence of private interests, or of erroneous opinions. Although I am ready to acquit the commissioners of any improper intention to do a public injury; yet, the route, (particularly, north of the Wabash,) which has enlisted their preference, seems to me, neither a compliance with the meaning and spirit of the treaty, nor to afford a guarantee of much public utility. If it is looked to as the means of aiding the people to drive on foot to the Lake, their cattle and hogs, to be there slaughtered, barrelled up and shipped to the market—if the Lake should be viewed as a place of deposit for other commodities—and the point from which foreign salt and other supplies are to be brought into the interior of the country—it argues, that the road to that point should be on a direct line, or as nearly so, as practi-

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relinquishments would be given. A law dealing with the assessment and payment of damages to landowners was passed by the Assembly. *Laws of Indiana*, 1829-30, pp. 109-11.

[9] This report is printed *ante*, 402-8.

cable. It must loose much of its *utility,* if it does not in time altogether fall into disuse, by a circuitous extension of its course, to meet its intended commercial points. The route preferred by the report, measures upward of one hundred miles from the Wabash to the Lake. The one rejected, only seventy-three—the difference being nearly thirty miles.—Then the matter resolves itself into this, that in order to be permitted to travel from one point to another, only seventy-three miles apart, the traveller, emigrant or citizen, must be placed under the unreasonable necessity of taking upon himself, the labor of over coming twenty-eight or thirty more. The reason urged against the short route, that it "will require bridging, causewaying or turnpiking," and that it is wet in places, or level and marshy, will doubtless apply to the long one; and is rather a reason in favor of a route, designed as this is, for a clay-turnpike, than against it. There is no material better suited than marshy land, when properly graded, to make a substantial clay-turnpike; far superior to rich soil. The report further shows, that the short survey runs through thirty-three miles of good land; a tract altogether sufficient from which, to select the whole donation. Both routes terminate at the mouth of the river Dysman, where a harbour for vessels may be easily made. If there is any thing to require and justify this increase of distance, it has not fallen within my observation. Let the long route even be established, and so soon as the country is settled on the Lake and the Wabash, it must, in the nature of things, yield to public necessity for a shorter communication. If the position can be sustained, that this road can be carried to a point almost as far north as the Lake, and then run west to it, increasing its regular estimated distance nearly thirty miles, then, indeed, by the same reasoning, it may be made to take its circumambient course, along the sinuosities of the State's border, until it finds the place of its lodgment. The St. Josephs, where the road, as now located, strikes it, cannot be relied upon and cannot be navigated except by Keel-boats—only at freshets—White river at this place, being about its equal.

With regard to the section of this road, south of the seat of government; duty to myself and to the State, combine in urging me to state, that inasmuch as *those* who procured the insertion of the article in the Indian treaty, which cedes the land for making the road in question, have suffered in reputation by the insinuation, that they lacked independence in not fixing the point on the Ohio river, the Executive of this State, (if authorised by law,) is willing to appoint Commissioners that will perform this highly responsible duty. The performance of so very unpleasant and responsible a task, is not, however, sought for, only as a *dernier* resort of putting an end to a question, which has already had too great an influence upon the legislation and politics of the State.[10]

The subject of disposing of the lands granted for this work, has, within the past year, engrossed much of my reflection. All the investigation I have been able to bestow upon it, has resulted in the sober conviction, that the road may be improved in the best manner, by the direct application of the land itself in payment of the contractors, without incurring the expenses and delays, incidental to a sale; or by creating the largest amount of obligations or promises or stocks equal to money, drawing interest, which a sale of the land would be *capable* of producing, on the most liberal credit, under sure penalties and on safe securities. These two modes of disposition, under all the circumstances with which the subject is associated, are selected, as the *best* of a number proposed. And of these, the latter is preferred, not as being more simple, but as most profitable to the State. The first offers its inducements to favour, by the despatch it would insure to the consummation of the object in view—as under it, the work might go on at once; which might compensate in part, for a sacrifice of a portion of the advantage consequent on delay, and a sale in the manner alluded to. In testing the merits of the first proposition—the issue of certificates or scrip, made negotiable, and payable in land, of eighty acre tracts, to be selected by the holder and entered in some public office, at such a minimum price as to make the certificate equal to the legal currency of the country, but of the value of the land it covers, may be with propriety, taken into consideration. But the question of *sale* points out its own beneficial concomitants, many of which bear with them their own weapons of defence. A sale of these lands for twenty annual payments from the time of sale, the whole bearing interest at the rate of six per cent. per annum, from the day of sale, except the first payment, which, then, together with the interest of the whole purchase money unpaid, should be paid in *advance,* and so on yearly afterwards, combines more advantages and is subject to fewer objections, than any other plan which my humble capacity has been able to embrace. The payments should be so divided and regulated, as to make the *first* the largest, the *second* the next largest, and so on, with the advance of years, diminishing each payment down to the last,—a payment in advance, with interest of the remaining purchase money to be made yearly; so that the purchaser will be becoming more and more interested in the land; have stronger and stronger inducements to comply with his contract with the lapse of years, and the consequent gradual investment of money in the land. If the constantly increasing inducements which this plan holds out to the purchaser, not to injure the soil or timber to a greater extent than the land is benefited by the improvements made on it, or if its being increased in value by the proximity of the canal, should not be considered sufficient to stay the commission of waste, let the law contain a suitable injunction against its perpetration until at least *half* the original purchase money shall have been paid; *after* which, interest will operate as a preventative: *before,* as an inducement to pay that half speedily. Certificates promising to make a title, where the last payment is made, will make the land its own security. Privilege to pay up the whole, at *any time,* should be offered. Let the road be divided into three sections, to be completed in three years; the first section to commence at the Ohio river and extend to Indianapolis, to be finished the first year; the second, at the latter place and reaching to the Wabash, to be finished the second year, and the third section commencing at the Wabash and terminating at the Lake, to be completed the third year: As the southern section of this road would be at the beginning much travelled, it should first be completed, commencing at the Ohio. A quantity of land proportionable to this section, might be sold and applied the first year; and so of the other lands and sections in their years. This course might be better than to sell all the land at once, as by the first sale and the application of its proceeds, confidence would be inspired, which would likely make the lands remaining advance in price, beyond the interest lost by the delay.—The first sale, will ascertain the amount of money to be applied to the first section, and by division, to each mile; until which takes place, safety requires that no contracts ought to be made. The amount of money capital created by the sale, would also point out the required loan, which should be equal to the credits on the land, subject to be extinguished by the annual payments due on the same. Prudence would require the loan, to be always less than the securities or capital stock on hand. These securities or stock, will be equal to six per cent. stock, and may be at any time easily exchanged for money.

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[10] The Assembly spent more time during this session discussing the Michigan Road than any other single subject. There was heated debate on its location, especially that part between Indianapolis and the Ohio River, with every conceivable route possible being proposed at one time or another. Two bills finally passed, one for the establishment of the road, the other for its opening. In the first, the route surveyed by the commissioners between Indianapolis and Lake Michigan was accepted; while south of Indianapolis, the road was to pass through Greensburg and end at Madison. The Governor was to ascertain whether the lands donated by the Federal government for building the road were to be surveyed by that government or by the state; if by the state, commissioners appointed in the act were to proceed with the task. (In view of Secretary of War Barbour's letter to Ray, March 1, 1828, printed above, it is not clear why the Assembly thought any further correspondence was necessary unless it was because of the change in the national administration. See *post,* 586-89, 595, for Ray's correspondence with the Federal government on the matter, also 544-47n.)

The second act appointed Noah Noble as contract commissioner for building the road, set out the method of clearing and improving (it was to be grubbed 30 feet in the center), and provided for the letting of contracts by sections. *Laws of Indiana,* 1829-30, pp. 111-14, 114-16.

To effect this, negotiable collateral obligations may be taken from the purchaser, corresponding with the terms of the land certificate and required loan. The above is but the outlines of that system which, it is deemed most expedient to adopt, under all the many circumstances with which the land is environed. If we sell these lands upon nearly, or quite the same terms on which government lands are disposed of, they must be expected to command about the same price. But terms like those recommended, which amount to a loan of the purchase money, enabling the purchaser to make the different payments out of the land itself by his own labor, are enforced alike, by the individual benefits they will confer, and the public interest they must improve.

By the operation of the plan suggested, monied combinations and monopolies will be checked, and a fair competition will take place between them and those who expect to become citizens, and to cultivate the soil they bid for.—Upon the supposition, that from the Lake to the Ohio river, the whole extent of this road, is two hundred and thirty miles, there will be about one hundred and fifty thousand acres of *select land,* donated by treaty, to be applied to its improvement, and this sold at only two dollars per acre, would enable us to realize the sum of three hundred thousand dollars. The average per mile, twelve hundred and eighty dollars. This amount or less, will make a clay turnpike, besides good strong wooden bridges over the streams; if we may make an estimate according to the propositions submitted, for cutting and grubbing the national road in this State, which only averaged two hundred and twenty dollars per mile, and the grading proportions were equally low in proportion. To your wisdom the whole is submitted.[11]

Roller or Wheel Road

I shall lay before you a paper containing Mr. John Gardner's invention of the Roller or Wheel Road. You will be pleased with the ingenuity and plausibility of the scheme of the inventor, if you are not disposed to ascribe to him the credit of making an imposing improvement upon the known facilities for transporting goods by land or water. If the theory of the inventor will stand the test of practical experiment, its rank will be exalted, in the scale of invention.[12]

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[11] The method of disposing of the Michigan Road lands was not discussed by the members of the Assembly at this session.

Wabash and Erie Canal

After the adjournment of the last General Assembly, in compliance with their resolutions, on the subject of the canal, I forthwith procured a copy of the same to be mailed for the Executive of the state of Ohio; and also directed a like copy, together with other documents which were thought necessary, to be transmitted, to the commissioner of this state, appointed to negotiate with the commissioner of the former state, on the subjects of the necessary definitive adjustment, contemplated by the two states. It is understood, that they have agreed upon certain conventional stipulations, the nature of which will be developed to the separate Legislatures by the commissioners themselves.[13] It is wished, that they had been concluded upon the basis of reciprocity; and with an eye to the *speedy commencement,* the *vigorous prosecution* and *successful consummation* of the enterprise in hand. If this could have been effected, at the same time guarding against future collisions between the two states and preserving to us a reasonable interest in the grant, the negotiation would have been hailed as an achievement worthy of the most agreeable recollection. How far the state canal commissioners (one of whom it became my duty last spring, until your meeting, to appoint, in the room of Robert John, Esq. resigned)[14] have succeeded within the past season in making selections of the canal lands and in giving identity to the canal route, they will shew to you by their own report[15]—plats of the same, shewing the intersections of the state land with what belongs to the United States, having been made out and forwarded this fall to the General Land Office, no doubt remains but that the government lands, as also the whole purchase of 1826, will be brought into market in the spring. According to the letter to me, of the commissioner of the General Land Office, they would have been offered for sale this fall but for the want of the plats mentioned.[16]

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[12] John Gardiner of Washington, D. C., was granted a patent for a roller or wheel road, plus carriages to operate thereon, March 16, 1829. *A Digest of Patents Issued by the United States, from 1790 to . . . 1839* (Washington, D. C., 1840), 251.

[13] See the report of Jeremiah Sullivan, Indiana's commissioner, *post,* 492-99.

[14] Jordan Vigus was appointed in place of Robert John.

Presuming that after much discussion and long reflection, the public mind, has taken a favourable turn towards this canal, if it can be completed in a reasonable period, and without deep state involvement, and after your approval of the arrangement made with Ohio, the momentous question which must arise, is, as to the *means*—the Archimedian lever of all such colossal enterprises,—without appealing directly to the pockets of the people; then the pressure of additional burdens upon whom, nothing will sooner prostrate effectually the desirable work.—The *real* friends of this communication, *if their aim is ultimate success,* should stand *undivided,* in looking to that sort of legislation, that kind of system—that unsophisticated policy, which by its own influence and effective power—unaided by state finance—will lay the foundation for producing the *entire means,* either now or at a more distant day, for its most safe, most certain and irrepealable reliance against the fluctuations of a mutable public opinion. The most of the substantive outlines of such a system, have been delineated, in the remarks already submitted on the subject of the lands granted for the Michigan and Ohio road, so that repetition here would be useless. The last Legislature have acted happily on the good idea, in authorising the sale of the school sections, except that they did not extend indulgence to purchasers far enough, to embrace the full scope of its advantages. The high price many of the school sections have sold for, is an eloquent and convincing commentary on the principle. The sale of the canal lands lying in Indiana, for twenty annual payments, drawing interest from the day of sale, and requiring the interest of all the payments, unpaid, with the payments due, to be paid in advance, annually, as well as the first payment; regulated so as to preserve the land against contingency, forfeiture and waste, and to secure the prompt payment of principal and interest—will, it is confidently believed, create six per cent. stock enough—having the best indemnity, to cover a loan, equal to the estimated cost of all that part of the canal line, which lies in this State. If any other device can be brought forward which promises, by its own internal evidence, to do more than this, let it be received.

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[15] The report of the canal commissioners is printed as Appendix A of the *House Journal,* 1829-30.

[16] Commissioner George Graham wrote on May 23, 1829, asking for a plat of the survey of the route of the canal showing its intersections with the lines of the public surveys. NA: General Land Office, Miscellaneous Letters, 23:146.

The assumed distance of the canal, from the Ohio line to the mouth of Tippacanoe river, is 128 miles, and the quantity of land to be applied to its improvement, is 640 sections, or 409,000 acres. These lands, upon the credit named, considering the advantages of soil, climate and water communication, and other valuable appendant properties, may be considered low at the estimate of $2.50 per acre, on an average. At this price, they will create a capital of upwards of one million of dollars, if sold now. The canal Commissioners estimate the 128 miles of canal, at $1,081,970, which is thought to be too high. Thus it may be seen that a stock, bearing interest corresponding with successive loans as they are needed, may be created by *periodical* or *simultaneous* sales of these lands, as may be thought most advisable, rather exceeding than falling short of the complete cost of the canal. It is contended by some, that the next best plan to this, is the one which is presented by a report of the canal committee of the House of Representatives, at the last session, now spread upon the journals;—by a reference to which it will be seen that the scheme there recommended, contemplated the completion of the canal by the year 1835, together with the sale of the *whole* of the lands in the mean time, and the expenditure of all its proceeds, at the expiration of the time; besides, leaving a debt of six hundred and thirty one thousand, nine hundred and seventy dollars upon the shoulders of the people, without any tangible resources to discharge it, but a recourse to their private purses and to the tolls and water privileges. Comparison here, would be useless. This work *might* be finished by the year 1835, and this alarming and ruinous debt avoided; if it be thought expedient to commence operations at all before something more definite shall have been fixed upon for the Ohio section. Whenever the time shall arrive for a commencement, the summit section, opening a limited commerce, should be first put under contract. From this point, as fast as resources accumulate, it should be continued down the valley of the Maumee to the foot of the rapids, and down the Wabash as low as Lafayette or lower. The growing importance of this town would justify such a result, and render it very probable. The necessary length of this communication, requires my remarks on this interesting matter, to be very general. A confidence in your intelligence leads me to suspect, that you anticipate all the various details requisite for so great an undertaking; and that you will have no difficulty, unassisted by unauthorised dictation, in organizing them into a material element of practical experiment.

Before we agree to sell the canal lands *to the highest bidder for cash in hand,* it will be proper to look well to consequences. To sell the land for canal purposes, will amount to a pledge to the General Government, and to the *purchaser,* to go on with the work or be liable to the *one* for its value, and to the *other,* if we fail, for damages. And if cash sales should produce no more money, than what the Commissioners have supposed, $500,000—making the required loan of $500,000 more, too great for the ability or courage of the State afterwards, or so great, as to dissuade the legislature from authorising a loan; then, indeed, the State will be in almost an inextricable dilemma—without a canal, and bound to refund, after all the trouble and expense incurred, to the United States, and to pay damages to the purchaser. In this picture there is reason for alarm.

If this Legislature shall ratify the treaty which has been concluded between the two States, and if my information is correct with respect to some of its provisions, the inducement must be much increased, to make the most out of the grant of land which it is susceptible of producing by selling on a long credit, by the great length of time which is to transpire before funds will be in demand. For, from information on which reliance may be placed, it appears that the State of Ohio is not *bound* to complete the Ohio section in less time than fifteen years from the first of January next. Before that time shall expire, the approved plan of sales, may be made to accumulate from the interest alone, without interrupting the principal stock, an amount, to cover a great portion of the estimated cost of the Indiana part. But if the treaty requires the State of Indiana to cede all the lands which she holds in Ohio, for canal purposes, to that State, in some short time hence, by which Ohio will be enabled to sell them and use the proceeds for many years, without paying interest and without being then at last bound, *absolutely and unconditionally,* to perform the work, but left at her option, either to do so, or pay back the money which the land shall have sold for;—it will become matter of serious reflection for this body, whether the treaty is such as will meet the views and interests of Indiana. The land to be ceded to the state of Ohio, at two dollars and fifty cents an acre, will be worth about four hundred thousand dollars. If, in the course of the next fifteen years the state of Ohio should become convinced that the Wabash and Erie canal, would withdraw from her other canals a portion of western commerce, and have a tendency to diminish their profits, or be in any respect injurious, she will have but to adopt the alternative afforded her, of refusing to operate on the Ohio section, and refund to the State of Indiana, the money for which the land might sell, which must be paid in such an event, by the latter state, to the United States. In what better situation then, does such a treaty place Indiana, than before it was made? How will be affected by it the interest of Ohio? She may obtain the use of several hundred thousand dollars, for the term allowed her to cut her part of the canal. Not having seen the treaty, I cannot speak with certainty; and am at a loss for information as to when it looks to the *commencement* of the work by Ohio; but it is presumed, that the act of Congress requiring a beginning in five years, has not been overlooked.

Lest some remarks in this address, on the subject of the Canal, and recommending on certain terms, a sale of the canal lands, may be understood to be offered to induce the acceptance of the Treaty, it is proper for me to add, that they are intended, *only* to be considered, upon the happening of that contingency. If, with such provisions of doubtful policy, the treaty should be ratified, the question of *ways* and *means,* will then be fairly before you. But pressed as we are by necessity, for this important link in the chain of national improvement, which promises also to be so useful a channel for the commerce of the country, my own assent to postpone without certainty in the end, for fifteen years, the long looked for benefits expected from it, would (*without further effort* to do better) be given with melancholy reluctance. Nor could any of us, without poignant regret, see this valuable grant revert back to the United States. Rather than think seriously of such a result, your foresight, your prudence, your desire for the honor of the state, would prompt you to memorialize Congress again, to authorize the state to change the proposed canal into a Rail Way, or even a turnpike road on the canal location. There could remain little doubt but that, in this way, the grant might be preserved. It is the immediate expense of a canal and the idea of competition that alarms Ohio. A single railway would cost only but a little more than half of what is the estimate of a canal, as they might be constructed in Indiana with durable timber mostly. I have seen some estimates as low as $6200 per mile.

Whatever may be the fate of the Wabash and Erie canal, I take pleasure in assuring you, that no part of the failure to enlist Ohio in it, within a less period than is stated, is ascribable to Major Sullivan, our commissioner, whose talents and zeal to obtain a better compact for the state have been conspicuously exerted on the occasion.

Wabash and White River Obstructions

To enable the State to remove the obstructions in these valuable rivers, the friends of the Wabash and Erie Canal, and of Steam-boat-navigation on the Wabash and White Rivers, would doubtless gratify a majority of the people in the state of Indiana, by uniting in a memorial to congress, for a grant of the public lands adequate to the accomplishment of the object. The removal of the falls in the Wabash and the improvement of the White Rivers by means of the public domain, may be sustained by the same reasoning, which led to the grant to open the canal. For the one is indispensable to the other. If the state goes on with her canal, she must improve the rapids in the Wabash, or cut a canal around them for the passage of all kinds of boats. No doubt is entertained but that steam boats may traverse the White rivers if they are well improved, through hundreds of miles of our territory; and that the seat of government, will ere long be visited by these messengers of Fulton's immortal genius.[17]

New Militia System

Whatever is novel and is intended to supplant established usages, however confirmed by prejudice or replete with hoary error, has in a majority of cases, subjected the innovator to unenvied notoriety. As to the modifications which will be submitted under this head, it is not intended to claim any indulgence for their author for not being aware of the fate that awaits him. A conscientious conviction that it is my duty, uninduced by any latent consideration, to advise such a partial revision of the Militia Laws of this state, as is called for by the advanced progress of the principle of toleration, and by the intelligence and tactics of the illustrious age we live in, will not, even by counting the chances of its success, permit me to be silent. Experience, which is the test of all human organic laws and regulations, offers her objections to the impolicy and inutility of repeating so frequently and unsuccessfully, attempt upon attempt, to instruct the great mass of the people in the art of war. The chivalric reputation of our brave countrymen and the military science have both been lowered in this respect, by unremitting efforts to perform impossibilities. Our existing militia laws, commit violence upon the rights of conscience, as well as impose penalties on poverty, by exacting equipments and services which many of the people are not able to perform. Instead of this, whilst aiming at efficiency of organization, the nobler purpose would be to adapt it to imperious circumstances, and to produce a reconciliation to it, amongst *all* the people—amongst all denominations and opinions. This must be done, if general submission and obedience to the laws, are to be expected. It should be a first concern with the statesman, to lop off from the institutions of his country, every obnoxious feature, in any degree tending to beget the opposition of the citizen or that is regarded with indifference, or calculated to diminish his veneration and affection for the policy of the land in which he lives.

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[17] A joint resolution was passed and signed by the Governor on January 29, 1830, requesting the Indiana delegation in Congress to use their efforts to procure the services of a corps of engineers to examine and survey the obstructions to navigation in the East and West Forks of White River and to explore the possibilities for a canal to connect the Wabash and Erie Canal and the Ohio River. *Laws of Indiana,* 1829-30, pp. 177-78. A memorial to Congress was also passed that embraced the joint subjects of removing the obstructions to navigation in the Wabash and White rivers and improving the great western mail route from Louisville to Vincennes. The text is not printed. *Senate Journal,* 1829-30, pp. 74, 87, 91, 98, 284, 285-86, 326.

It is proposed, in times of peace, to comprise the militia into two classes, to be called the *active* and the *sedentary*. Let the Militia of the state remain enrolled and organized as they now are, with all the officers, to be called the sedentary. Require *them* to meet once a year at the time of the regimental muster, without equipments, except officers, for the purpose of reporting their strength; and to hold themselves in readiness for hostile emergencies, most of whom being infantry. Require their officers to assemble and drill frequently. Extract from the present sedentary militia, by voluntary enlistment, about ten thousand men, which would be about every fourth or fifth man in the state, to be called the *voluntary* militia. This corps is intended to be well disciplined and should be required to appear frequently in service. From each regiment of about eight hundred men, raise four companies of volunteers—an artillery and cavalry of about fifty men each; and an infantry company of one hundred men, and a rifle company of about the same. Allow them to elect their own officers, independent of the sedentary; and besides their company musters and attendance at the regimental parade, provide for exercises in the school of the battalion. Require that the public arms shall be exclusively distributed to the voluntary militia, to stimulate them to duty. If the required number, should not volunteer in each regiment resort to draft; if too many turn out, determine by lot who shall be taken of those who can be relied upon. Let the voluntary corps report their strength, as in other cases. Besides giving the United States arms to the voluntary corps, exempt officers and soldiers from working on roads, serving on juries and from a poll tax. On the other hand require the sedentary militia to work as many days on the public highways in their proper districts, as the active militia are required to perform military service, in addition to what is now called for by law from each citizen. Those who are conscientious against bearing arms will, as a matter of course be ranked with the sedentary militia, and their strength may be reported in the manner provided by the present law, without requiring them to appear in public to report it. The above presents the skeleton of a plan, which, with its appropriate details, would bring into existence a bulwark of defence against hostile incursion, combining the double advantages and safety of the *"citizen soldier"* with the "scientific disciplinarian."

The warmest and bravest blood and flower of the state would be splendidly displayed in the voluntary rank, which added to their skills in tacticks, must constitute an intrepid phalanx of irresistible soldiery. Our portion of the two hundred thousand dollars, annually expended by the United States, for arming and equiping the militia, will on this plan at no very remote period, supply this part of the militia with arms, if they are carefully preserved; but to ever supply the *whole* is as hopeless as it would be a waste of treasure. Such a system as this, will also bring to pass, the pleasing consequence of setting at ease the consciences of a very exemplary, peaceable, industrious and moral denomination of people in the state called "FRIENDS," who are honestly opposed to war preparation. It is believed that this is the only mode by which they can be constitutionally relieved; and *it* is recommended more for its own excellence than to secure any special privilege at the public expense. Nor can this arrangement loose any of its attractions in consequence of the hundred thousand days labour it would authorise you to apply on the public roads, essential in an improved state, to the public good, in *war* or *peace*. Now should you approve of these suggestions, it will then be worthy of consideration, whether you will carry them into effect by a state law, or recommend them to the favourable notice of the general government, whose right it is to legislate on this subject, concurrently with the state.[18]

Independent battalions are called for, as a necessary and just accommodation to the people of new counties and detached settlements.

Agriculture Mechanics and the Arts

The farmer's interest should be made a matter of special enquiry. He who gives support to every other occupation and profession, commercial or mechanical,—he whose drudgery in its culture, provides the materials which shield our infirm bodies from the inclemencies of the seasons—he who nourishes the soldier while he perils in the battles of his country—he whose incorruptible fidelity in times of severest trial, is proof against the most seductive temptations, deserves alike your countenance and efficient aid. Besides exempting from tax, lands cultivated in hemp, tobacco and other neglected productions of profit, an adequate appropriation for premiums to be distributed as prizes for the best specimens of whatever you consider most useful in any of the arts, sciences and professions, will be found in experiment, most encouraging to our various branches of industry, and stimulating to the slumbering capability of every department of genius or labor. If the encouragement here contemplated, should make any considerable impression upon the common chest, the deficit may be replenished by the imposition of a duty or tax upon all spiritous liquors which may be found in the State *for consumption.* By this plan of creating a fund the two fold object will be accomplished of encouraging the cause of temperance in the use of ardent spirits and exciting a commendable spirit of emulation and a zealous competition in laudible and useful pursuits, among the sons and daughters of Indiana. If in connection with this object, the manufacture of the article of whiskey for *export* could be encouraged, and its excessive consumption at home discountenanced by some satisfactory mode of restriction, the wealth of the country would be increased and the moral condition of our society greatly improved and meliorated. A small amount also exacted from *professional gentlemen,* whose occupations are more useful to themselves than to the public, as a bounty fund, would tend not a little to induce into the field of enterprise, many a fair female competitor for skillful and industrious fame in the manufacture of good substantial fabricks for clothing. Much has been effected in other States, by commendable and generous efforts, and by means of agricultural and other societies, striving to raise the yeomanry, the artists, and mechanics of the country, to an equality with the first rank of honorable professions—their most unquestionable right,—and something may be done by you, to insure to merit *here,* whether at the plough or in the workshop, at the needle, spindle, or the loom, its own high reward.[19]

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[18] The Senate military committee reported that the radical changes in militia organization recommended by the Governor could not be adopted with advantage, either to the improvement of the militia or the tranquility of the state. Indiana *Senate Journal*, 1829-30, p. 208. In the House a lengthy bill of some 60 sections was introduced to regulate the militia; among its provisions were instructions for holding company, battalion, and regimental musters, and assessment of fines for non-attendance. The bill passed the House, was amended in the Senate, and then was lost because the House refused to accept the amendments. *Ibid.*, 1829-30, pp. 393, 402-3, 414, 419; Indianapolis *Indiana Journal*, January 20, 1830.

Colonization

The colonization of free blacks, dispersed through our country in the native land of their fathers, is passing the ordeal of philanthropic reflection, and gradually rising to public view, under the patronage of the American Colonization Society. No period in the annals of our history, would be hailed with more universal acclamation, than that one, which shall accomplish the return of these long degraded and unhappy members of the human family, to the country in which their God has placed them; from which they have been oppressively torn by the hand of tyranny, to gratify the most sacriligious cupidity. We long to celebrate the jubilee of freedom—of general and unconditional emancipation, of every soul held in bondage, because his skin is dark. We look forward, with fervent hope, to the important era, when we shall see them wending their way across the Atlantic, bearing with them the religion of the cross, and the eternal principles of liberty and equality, to a country where they may organize a government of their choice, and take their stable stand among the nations of the earth. But this is not the work of a day. And if in attempting to identify the colonization and emancipation of our coloured population with the politics of the country, as a popular hobby, before the public mind and resources are prepared to yield to the good work, their effectual sanction, we shall touch the *sensitive chord* with too bold a hand, so as to endanger our *magna charta,* the great cause in hand, and the union, and thus effect the overthrow of our own liberties, the premature zeal *affected* on the subject must be long a fruitful source of perpetual lamentation. If there were no latent intention in the end, of levying a tax upon the free States, for the purchase of slaves, or in some other way, forcing a manumission—thereby strengthening the inducement and obstinacy of their holders to continue their bondage, until remuneration or compunction of conscience might reach them, they would have excited less jealousy. If, instead of this, the talent of the country were fairly enlisted to convince the people of the slave states, of what their own experience will ultimately show, that free labor is more profitable than slave labor, so as to produce a voluntary abandonment of the unnatural and unchris[tian] practise, without looking to the treasury of the nation, and the consequent introduction before Congress, of a question more dangerous to the constitution than any enemy we have ever yet encountered, ten[d]ing to incite the blacks to the perpetration of the most horrid insurrections and murders, *means* would have, ere this, flowed into the coffers of the society in greater profusion. With such modifications, distrust would give place to general support; and the next generation might be saved the mortifying spectacle, of beholding the manacled African writhing in his fetters, in the temple of human freedom. I lay before you, at the request of the Governors of Missouri, Georgia, and South Carolina, resolutions of those states, denying the right of the general government, by the constitution, to appropriate money for the use of the society.[20]

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[19] The House committee, to whom this part of the message was referred, reported that legislation on these subjects was unnecessary at this time. Indiana *House Journal,* 1829-30, p. 133.

Coloured People in Indiana

Duty to the State of Indiana, requires me to remark, that the scourge of the oppressed is not confined, as it should be, exclusively to the land of the oppressor. But, that this State, in common with her other free sisters, is not exempt from the lash of our crying national sin. A non-productive and in many instances, a super-annuated population, is pouring in upon us possessing all the affirmative bad qualities of the uneducated, immoralised bondman, without affording any of his advantages, living without visible means, or labor—most of whom are paupers on society. This, being the consequence of expulsion laws of other States, less humane than ours, renders corresponding measures on our part necessary and inevitable. Whilst our laws and institutions proclaim the State an asylum for the good, virtuous, and useful of all nations and colors, it is due to ourselves and to the rights of posterity, that we should not tamely submit to any imposition, which is the direct effect of foreign legislation. Though it might savour somewhat of injustice to interfere with any that are already here, it will still become your province as it is your right, to regulate for the future, by prompt correctives, the emigration into the State, and the continuance of *known paupers,* thrown upon us from any quarter. Such, if they cannot afford, by sureties, indemnity to our citizens in a reasonable time, should be thrown back into the State or country from whence they came. To effect this, it may be proper to require them, on entering the State, to file a proclamation of particulars with evidence. No terms, however, should be demanded which could not, in the nature of things be complied with. For to those of them who will fill up the measure of duties of good citizens, the hand of fellowship should be offered; and to such a proper and necessary portion of the citizens' privileges should be extended, that they may have some inducements to the performance of virtuous deeds. But shorn as they now are, of every incentive of the kind, they can do but little more than agonize in silent despair.

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[20] A joint resolution of the Senate memorializing Congress on the subject of colonization of the Negroes passed both houses at this session as did a joint resolution originating in the House, but they are not printed in the *Laws* and their contents are not known. A joint resolution and memorial of the previous session, soliciting the assistance of the Federal government for the colonization society, was transmitted to Indiana's representatives in Congress on January 26, 1829. See above.

Indians

Two tribes of these aboriginal people are still lingering within our borders. Their growing indolence, their alarming intemperate habits, their primitive simplicity of manners, their increasing dependence upon their social neighbors for the bread of life, their diminished prospects of living by the chase, their perpetration of murders and other outrages of dangerous precedent, their frequent collisions with our people, their unrestrained exhibitions of their own savage customs before our citizens and citizens' children, the impositions which for the lack of knowledge, they are ever suffering from their more artful brothers, and their destitution of any moral code whatever, are all weighty considerations that combine in summoning them before you *as children to be governed.* A trial for half a century, to better their condition as independent nations, or tribes, has only served to increase their future wretchedness. They have, by some unaccountable fatality, acquired all of the vices of the whites, with but few of their virtues. Besides, the absurdity of one independent power residing in another, both the *happiness* of the natives and the policy and interests of the government, call emphatically for a change of relation between the parties. It is time that Agency domination was yielding up its absolute sway, to the mild and salutary laws of free, enlightened and religious freemen. The hearts of the Indians themselves, would team with thanksgiving, after realizing their advantages, for the preserving influences of organic law. If upon the first shock, they should receive, by the extension of the laws of the State over them, their timidity should not overcome them, so as to incline them to sell and move beyond the Mississippi, a cheering hope may yet be indulged, that their infantile offspring may be reared, to understand, venerate and enjoy, the blessings of the social system. The act of enforcing our State laws upon the Indians, must be accompanied with great prudence and forbearance on the part of the executive officers. Between the extension of our laws and their liability to them, sufficient time should be given to enable them to understand the new rule of their conduct. Special modes of promulgating the laws, must of necessity be resorted to. A school for *legal* and other instruction ought to be instituted. Whether these people stay within the State or go to the country alloted to them, after they are brought to an equality with the citizen, and subjected to his burdens and counted in the federal census, their landed possessions must soon form an item in the revenue of the State. If they remove, they will sell to the United States; and if they submit, it is the opinion of the President, that their national property must be carved up into individual rights.[21]

It gives me much pleasure to inform you, that in submitting the above proposition, I am fortified by the opinion of the President of the United States, and by late legislative enactments, of most of the States that feel an interest in the matter, and have Indians within their limits. The success of the measure must be of signal service to all such States. In the prosecution of our canal, the execution of the policy must produce the most pleasing results. There is nothing in the federal constitution, or in the laws of Congress, to forbid this exercise of power.

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[21] The Senate judiciary committee on December 26 reported that they had had the subject of extending the state laws over the Indian tribes under consideration, but found it a vexatious question, and one that admitted of some diversity of opinion so far as policy and humanity was concerned, but as it regarded the rights of the state as a free and independent sovereignty, there could be no well-founded difference of opinion. The committee affirmed that such a sovereignty had the exclusive right, within its limits and jurisdiction, to use the country for the supply of its necessaries and to derive from it such advantages as it was capable of yielding. It had an absolute right to supreme command, to direct and control what ought to be done. All persons within its limits were subject to its authority and laws, whether they were citizens or permanent resident strangers or mere travelers, and it had control not only over their persons but also over their property in everything that related to the common welfare. Indiana being an undisputed and acknowledged free, independent, and sovereign state, the committee believed that the law of nations, rights of sovereignty, sound policy, and the principles of humanity required that the laws of the state should be the rule of civil conduct throughout the limits and jurisdiction thereof, and that all persons resident therein should be subject thereto and be bound, not only to aid and support, but also to defend the same, and that in return these persons should be protected in their individual liberties, rights, persons, and property. The committee admitted that in the application of this policy to the Indian tribes due caution should be used. The measures adopted should be mild and progressive in their operation, but the Indians should be notified that unless they removed from the state, our laws would be extended over them, and they and their property would be subject thereto. A joint resolution on the subject was introduced and read but received no further consideration. Indiana *Senate Journal,* 1829-30, pp. 154-55. A memorial to Congress on extinguishing the Indian title to lands in the state and removing the Indians passed both houses. *Laws of Indiana,* 1829-30, pp. 176-77.

Special Courts

The many imprisonments in jails for so long a vacation as that which elapses between the semi-yearly terms, at heavy county expense, will appeal to you for a remedy. A power vested somewhere, to convene a court by proclamation, to try special cases, under the existing judicial regulation, is demanded by economy.[22]

Probate Judge

It will be seen from examination, that the probate law of the last session, needs some revision, and particularly an amendment which will provide for filling the vacancy of the office of probate judge when it may occur.[23]

Contest of Elections

A less ambiguous law than the one in force, has been found to be necessary, providing for the trial of contested elections, and for certifying their decision to the executive. The duties of the county officers and of the clerk particular, in such cases, should be more carefully pointed out.[24]

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[22] The Senate judiciary committee did not believe that special courts would answer the ends and purposes of justice, and thought that the expenses of one of these courts would generally amount to more than the cost of keeping a criminal. Indiana *Senate Journal,* 1829-30, p. 101. An attempt was made in the House to provide for three sessions of the circuit court each year instead of two, but the Senate would not agree. Indianapolis *Indiana Journal,* January 20, 23, 27, 1830.

[23] The probate law of 1829 was revised at this session to take care of some of the difficulties that had arisen in the administration of the law. The revision provided that in case of a vacancy the Governor was to appoint a judge who would serve until the position was filled at the next annual election. In counties where no probate judge had been elected, the associate judges were to act as a probate court. *Laws of Indiana,* 1829-30, pp. 46-48. The small remuneration offered ($3.00 for each day in court) made it exceedingly difficult to find qualified persons willing to accept the office; no person could be commissioned to the office until he had obtained a certificate of qualification from one of the president judges or from one of the judges of the Indiana Supreme Court.

[24] No action was taken by the Assembly on this recommendation.

Chief Magistrate

Since the adjournment of the last Legislature, one distinguished American citizen has retired from the Presidential chair, and another has occupied it. The most sincere regret only can be felt, that the change did not carry along with it, more indications of submission and resignation on the part of the minority, to the mighty work, wrought by the people themselves. A respectful regard for the will and opinions of the majority should have hushed the murmurings of discontent, and displayed a magnanimity as noble as the defeat. The same high sense of patriotic devotion to country, which led the friends of the late chief magistrate, to give to his prosperous administration, a generous, honest and liberal support, because he was the constitutional and legitimate President of the nation and because his leading measures were based in the public interest, should, with *increased* propriety, incline the *same persons* to sustain the ably and judiciously conducted administration of the excellent man who now guides the helm of State; because he super-adds many reasons offered for giving a support to his predecessor, irresistible claim to respect and obedience, the omnipotence of public sentiment and publicly expressed popular predilection. If these causes will not, in the public estimation, justify the support of the righteous acts of the present authorities, *then,* we have *already* nothing but a republic shorn of its cardinal principles; a factious minority endeavoring to *rule*—too aristocratic and stubborn to submit to the majority, and trampling their will, as it were under their unhallowed feet. What besides consistency of conduct in this respect—*standing erect and unchanged upon an unchangable set of principles,*—will be more efficacious in restoring a distracted country to its departed tranquility? Nothing less than an abandonment of *men,* and an adherence to *measures strictly,* will unite the divided affections of brothers—throw the son into the embrace of his father—and solder the recent enmities of old friends, never excited till the witchery of party and the cry of proscription rent them asunder. Nothing else will place aspirants to public office upon their *moral* character and unalloyed merit. If the broad axiom, allowed to be correct by all, that this is a government of laws and measures and not of men, and that the greatest indifference should be felt as to who the agent is, so that he has merits, be as tenable as popular, it is difficult indeed, to perceive upon what grounds the supporters of the present administration who were supporters of the past one, can be justly made the objects of censure. The will of the people should be the supreme law.

Presidential Election

At the instance of the Governors of the States of Louisiana and Missouri, I lay before you, resolutions of the Legislatures of those States, proposing a change in the Constitution of the United States, relative to the election of President and Vice-President of the same. The history of the eventful struggle which has just terminated—the irritated feelings engendered by a late election by Congress, threatening to rend the Union in twain,—an anxious care for the harmony of the States, and a community of attachment for the purity of elections, constrain us to look to the *People,* as the only safe depository of the stupenduous power and privilege of making the President and Vice-President. These resolutions with admirable foresight, contemplate the election of those high officers for the term of six years, and rendering them ineligible afterwards. That the patronage of the President may, in no case, be made to influence State elections; and that the head of the nation may suffer less in character, in the eyes of the world, from the licentiousness of the press, by removing the motive to scandal and misrepresentations—the President should never be allowed to be a candidate for the Presidency. The mode of election ought to be uniform throughout all of the States, by general ticket. The intervention of electors may be dispensed with. The due weight of the States, respectively, should be reserved, as is now guaranteed to them by the constitution. It would be best not to submit the decision in any case whatever, to Congress, for let them act ever so pure, suspicion will assail them.[25]

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[25] Joint resolutions were introduced in both houses respecting an

Tariff

Relative to the tariff of 1828, it will become my duty to lay before you, reports, preambles and resolutions of the States of Virginia, Georgia and South Carolina. These States are protesting against the present tariff, with a gravity and an earnestness, that entitle the documents which they have placed in our hands, to an attentive perusal, and their contents to the most respectful consideration. At the approaching session of Congress, a revision of the tariff is expected. It is conceded that the present tariff gave satisfaction, neither to its friends nor its enemies. Hence, the probability of it again being made this winter, the subject of animated debate. Interested as we are, in having a high duty imposed upon every article imported into the country, which the genius, industry and ability of our citizens can manufacture or extract from the bowels of the earth, by labour, or that the soil will produce, the present opportunity of expressing your sentiments to your Congressmen, will doubtless be seized upon with an ardor becoming the special occasion.[26] It is the least of my fears, that any opinion you shall express, will look to the aggrandizement of *any one section* of the confederacy at the expense of another. The three great contending interests of Agriculture, Commerce, and Manufactures, should meet each other on the open field of compromise, and there sacrifice sectional prejudices and jealousies, on the altar of the Divine commandment, "do unto others as you

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amendment to the constitution of the United States relative to the election of president and vice-president, but both failed. Indiana *House Journal*, 1829-30, p. 124; *Senate Journal*, 1829-30, p. 120.

[26] The resolutions of the Virginia legislature were especially strong, asserting that the constitution being a federative compact between the states, each state had a right to construe the compact for itself, and further, that the tariff laws were not authorized by the constitution. U. S. *Senate Documents*, 20 Congress, 2 session, 2:No. 105. The select committee of the Indiana Senate, to whom this portion of the message was referred, recommended the adoption of a joint resolution on the subject. It did not pass and the sentiments it expressed are not known. Indiana *Senate Journal*, 1829-30, pp. 136, 142. The judiciary committee of the House to whom the resolutions of the southern states were referred, asked to be discharged from their consideration. *House Journal*, 1829-30, p. 499.

would that they should do unto you," and so settle down upon a new American System which shall do equal justice to all. Let "Greek meet Greek" with the above authority added to the modern axiom, *"we cannot buy unless we can sell,"* and the *hydra* which threatens a dismemberment of the greatest monument of genius and patriotism, of the last half century, must sicken and die under the stroke of its influence.

National Internal Improvement

You will also be presented with resolutions of the States of Virginia, Georgia and South Carolina, denouncing internal improvements by the General Government, as an infraction of the Federal Constitution. Too many successive heavy majorities of Congress, have sustained their right to improve the interior of the country as well as the Atlantic coast—there is too much justice in distributing equal proportions of the common treasure, to all parts of the country, and the constitution is too explicit in more than one of its provisions delegating expressly the authority to *act,* for any serious effort to be successfully made at this day, to check the progress of a system, bearing in its train, blessings co-extensive with our national boundaries. But though we may consider ourselves secure, in the continued exercise of this power—of so much consequence in the prosecution of works of public and private utility, and for the purposes of defence and commerce:—yea a vigilance commensurate with the great interests at stake, may lead you prudently to make a renewed expression of your approbation of the principle. The preservation of the treasury in nearly its present flourishing state, and the maintenance of this power in the United States, as far as the Constitution, in its limited specifications will permit, constitute our hope for prosecuting many of those mediums of intercourse, which have been marked out in the States as such valuable auxiliaries to our prosperity. If the treasury shall be considerably impaired by a *revenue* tariff only, instead of a tariff for *protection,* the improvement of the interior, by the loss of its very soul and aliment, must suffer a tremendous check.

Domain

The wishes of this state on the propriety of a cession from congress of the unappropriated lands within the state, have been solemnly expressed and forwarded to the proper authorities. Nothing has yet been effected; and perhaps nothing will be, until the national debt is discharged. When that event transpires, a principal cause for not yielding the lands to the states, will have been removed. It is not so very clear, whether even a general cession to the states, would be preferable to a sale and an equitable distribution of the proceeds among the states where the lands lie, or if grants could be obtained, from time to time, to aid them in building up seminaries of learning, endowing colleges, improving the navigation of rivers, and for making roads, canals and railways. Applications to Congress for portions of the public lands as we want them for special purposes, may be supported by all of the reasons which could apply to a request for a general cession on a demand of *right,* and would be made with equal modesty and consequent prospects of success; without raising the vexatious question of title. However much we may think we are entitled to the lands in question, however anxious we may be to get them and however strong our claim; yet, it must be evident to all, that it must be prosecuted under the most discouraging circumstances, whilst our delegation in Congress do not *all* act in concert with us, refusing to obey the instructions of the Legislature on the subject, and virtually declaring independence of the same.[27]

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[27] U. S. Senator James Noble took this remark as a reference to himself and struck back at Ray on February 4 when he presented to Congress the memorials and resolutions of the Indiana legislature. Ray then used Noble's remarks as an excuse to publish a lengthy tirade against Noble's personal life and his refusal to obey the instructions of the Indiana legislature at the previous session. See *post,* 523-33. For previous mention of this see *ante,* 285-87n. There was lengthy debate in Congress at this session on a resolution offered by Jonathan Hunt, representative from Vermont, that the committee on public lands be instructed to inquire into the expediency of appropriating the net annual proceeds of the sales of public lands among the several states for purposes of education and internal improvement in proportion to the representation of each state in the House of Representatives. John Test,

Hospital in Tennessee

I have it also in charge to lay before you, a resolution of the state of Tennessee inviting a co-operation of all the states, west of the Alleghaney mountains, in the erection of a hospital at Memphis in said state. As many of our citizens may become objects of its charity, it is but reasonable that we should divide the burden of the institution, if the location should be approved of by you.[28]

Hospital in Kentucky

I shall lay before you another resolution with a report, asking aid to sustain a hospital at Smithfield in Kentucky, erected by that state. This state could have no objection to a power given by Congress to Kentucky, to collect a toll or tax on the commerce of the Ohio river, when the same should land at Smithfield, if her finances should not be in a condition to assist otherwise.

School Sections

It will be perceived that a committee of the last Congress, reported in favour of authorising a relinquishment to the United States, of the school section sixteen, in any congressional town-

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of Indiana, and other representatives from the western states, spoke against the resolution, believing such a law would benefit the older states more than the new ones. *Congressional Debates,* 21 Congress, 1 session, 490-92, 494-97, 500-6, 511-30, 537, 540, 626.

[28] The hospital at Memphis and the one at Smithfield, Kentucky, mentioned below, were intended for the care of boatmen and travelers who became ill while traveling on the Mississippi and Ohio rivers. Many of these travelers were adventurers who were poor and had no means to help themselves should they become ill, but even the wealthy had no assurance that they could buy medical attention should they be stricken with cholera or some other of the dreaded diseases then prevalent. The Assembly recognized the merit of the hospital projects, but felt that the state treasury was in no condition for them to make an appropriation for the erection or support of such hospitals. Indiana *Senate Journal,* 1829-30, pp. 147, 157, 161, 219; *House Journal,* 1829-30, pp. 133, 155. A joint resolution was introduced in the House requesting aid of Congress to erect such a hospital in Indiana, but it did not pass. *House Journal,* 1829-30, pp. 172, 432.

ship, when of a limited value, and the selection of any other lands within the district for the use of the inhabitants of such townships. Some of the state authorities, should be directed to select these lands for the townships which may deem it desirable to avail of the privilege, if a law should pass on this subject. This is of sufficient interest to call for a memorial from you on the subject, as there are many school sections in the state, of little or no value.[29]

Indiana College

It is supposed that this institution will commence its first session, with about fifty scholars, under the charge of the Rev. Mr. Wiley, its president.[30] Additional sales of the college lands, are called for, to create a fund for the purchase of a library and the necessary apparatus for the professorships.[31] The plan of sales recommended for the disposition of the canal and road grants of land, would, if applied, to those lands, create a handsome fund annually for the gradual increase of a library and other essential college appendages. If any abuses have existed in the institution, they should be promptly exposed; and if on the other hand, its professors have been unrighteously assailed, it will be your pleasing task, to forthwith announce their innocence that confidence in the college, may be more fully confirmed.[32]

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[29] No action was taken by the Assembly on this recommendation.

[30] The Indiana Seminary which preceded the Indiana College was organized as a preparatory school and never advanced beyond that stage. The College was chartered in 1828. Andrew Wylie was inaugurated as president on October 29, 1829, and proceeded to lay out a complete curriculum on the college level. James A. Woodburn, *History of Indiana University. Volume I, 1820-1902* (Indiana University, 1940), 54-58.

[31] A law was passed at this session authorizing the sale of the remaining seminary lands in Gibson and Monroe counties. The minimum price on first rate land was reduced to $2.50; on second rate to $1.50; and on third rate to 75 cents. *Laws of Indiana*, 1829-30, pp. 167-68.

[32] Charges of sectarianism and aristocracy had been made against the school, and the relations between it and the town of Bloomington were not friendly. Petitions from Monroe and Clark counties were presented in the House, asking for an investigation of certain abuses (not named) on the part of the trustees and teachers. A petition signed by a

State Census

This Legislature will feel themselves bound to provide for taking the state census, required by the constitution to be taken every fifth year. The ordinary mode of taking the strength of the state may suffice; but, it is believed, that more accuracy would attend the discharge of the important duty, if your law required the appointment of an intelligent individual in *each* township in the state. By this simple process, we shall get our whole strength.[33] And as the Marshal of the state, will take the census also next season, in order to determine our federal representation, this plan might be made to render him much assistance. It might serve to correct his own report, generally *under* the real number of his district. The present strength of the state is thought to be about three hundred and sixty thousand, and if the taking of the census, should be deferred until next fall, so as to avail of the ensuing season's increase natural, and by emigration, we shall confidently look for four hundred thousand souls to be numbered. When this shall be contrasted with the one hundred and forty-seven thousand which was our number in 1820, it will shew an increase in ten years, scarcely to be credited. By the year 1840, Indiana will be ranked in the first class of states. The Empire is rolling westward and soon the tide will flow far beyond *us,* and so onward, until the check which the Pacific ocean shall give it, will throw back upon us a redundant population.

Civil Code

The task of preparing a civil code of laws for the state has been commenced, but owing to a press of private and official

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number of the students stated that the charges made in the former petitions were false. The committee on education reported on December 18 that they deemed the charges and complaints groundless. *House Journal,* 1829-30, pp. 99, 143-44.

[33] A law of this session provided that the state census would be compiled principally by the tax collectors, with the county clerks having certain duties. The census was to include all free white male inhabitants above the age of twenty-one, and was to be used as a basis for the reapportionment of state senators and representatives. *Laws of Indiana,* 1829-30, pp. 18-20.

business, the labors of a single individual, have not yet been able to place the work in as great a state of forwardness as might be wished. Without an amanuensis, or assistant, it is believed that the code will be completed before the present executive retires from his office. With one, its progress might be greatly accelerated. The necessity for *some* additional system of laws will soon be felt. And a code, which shall furnish the community with law, to enable the people to transact their *ordinary affairs,* without the common expense, trouble or necessity of taking the lawyer's counsel, is one of the reforms loudly called for, in our civil polity. But a Legislature of *distinterested* members will be *essential* to success. This the people can give.[34]

Jurisdiction

The trial and acquittal of William Rothwell, in Perry county, in this state, at the late March term of the Circuit Court, on a charge of murder committed on the Ohio river, and the points raised and sustained in the case, must point out the necessity of a declaratory statute on the subject of the concurrent jurisdiction of the states through whose territory this river runs, for the more certain service of process and punishment of offences committed on its waters. It appears that an offender of the highest grade, has been discharged on the ground that this state, by any laws that are in force, has no jurisdiction over offences committed on the Ohio river. However clear it may appear upon examination of authority, that we may take a concurrent jurisdiction on this stream, with the adjoining state of Kentucky, our state law, defining county boundaries, by a vagueness of expression and the location of county lines, in some instances along the *meanders* of the river, together with the judicial decision, may, with propriety, render our right to take cognizance on it sufficiently doubtful, to require further legislation. Your right to clothe the authorities of the state with this necessary jurisdiction, will appear in an unquestionable shape, by a reference to the last sentence in the fourth article of the Ordinance of Congress, of July 13, 1787, declaring all streams running into the Mississippi and St. Lawrence, common highways, &c., and *more so,* by the eleventh section of an Act of Virginia, erecting Kentucky into an independent state, 18th of December, 1789, by which a concurrent jurisdiction is expressly given to the states that possess the opposite shores of the Ohio river, 1st Vol. Stat. Ky. p. 19—R. C. Ind. p. 29. To settle the question with respect to the Wabash, you will have to act upon more questionable authority. You will also discover that many counties in the state are bounded by other rivers, which are also common highways, and without some special legislation, the clashing claims of counties to jurisdiction, may become the subject of litigation. What is required, is a law, making that *certain* which is *doubtful.*[35]

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[34] Stephen C. Stevens, reporting for the judiciary committee of the Senate, took a facetious attitude toward the Governor's request for help in completing the code of law, asserting that since the Governor had taken it upon himself to make the compilation at his own expense and responsibility, he should go ahead and finish it. The following day, John Watts and John T. McKinney, members of the committee, disclaimed any part in the committee report, asserting that the chairman had been authorized to report only that legislation on the subject was inexpedient. Two other members, John De Pauw and John Daniel, stated they had not been present at the meeting when instructions were given to the chairman, but declared their disapprobation of the report. Calvin Fletcher, William C. Linton, and Stevens maintained that the report voiced the reasoning that had been used in the committee meeting. Indiana *Senate Journal,* 1829-30, pp. 130-31, 141-42. This animosity between the Governor and Senate over the compilation or revision of the laws was continued during the following session.

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[35] Concurrent jurisdiction over streams that formed the boundary between Indiana and neighboring states or between one or more counties of the state was given to the states or counties between which the streams flowed by an act passed at this session. *Laws of Indiana,* 1829-30, p. 84. A joint resolution was also passed requesting that the eleventh [seventh] section of the act passed by the Virginia legislature in 1789, by which Kentucky was organized into a separate state, be printed with the laws of this session. This reads: "That the use and navigation of the river Ohio, so far as the territory of the proposed state, or the territory which shall remain within the limits of this commonwealth lies therein, shall be free and common to the citizens of the United States; and the respective jurisdiction of this commonwealth, and of the proposed state, on the river as aforesaid, shall be concurrent only with the states which may possess the opposite shores of the said river." *Ibid.,* 180-81, 182.

Asylums, &c.

Among the duties which the Constitution expressly enjoins on the Legislature, is that of making provision for the poor, who may have legitimate claims on the aid and beneficence of society. For this purpose, the Constitution requires, that farms or asylums shall be provided for them, so that they may find employment and comfort, and "lose, by their usefulness, the degrading sense of dependence." It is for you to judge whether circumstances will permit, at present, the adoption of a measure of the kind.[36] It is also incumbent on the Legislature to countenance and encourage the principles of humanity, industry, and morality. As the Constitution has proposed few specific modes in which this praiseworthy injunction is to be carried into effect, resolutions, recommending the general practice of the *private, public,* and *social* virtues, would not, perhaps, be unappropriate. The philanthropic exertions of the present day, seem not to have confined their career to the amelioration of the condition of our own society. A long list of societies have been formed, and are forming in our country, bearing some popular or fascinating appellative motto or inscription, all intended to make pecuniary drafts on the purse of the American citizen, to minister to the real or imaginary distresses of a foreign population; in many instances, to the callous neglect of our own. Such laudable efforts would be heightened in general esteem, if they aimed in the first instance at the amelioration of the unhappy circumstances of the little army of objects of charity, in our own great family, before the misguided spirit of benevolence shall succeed in wafting our munificence and the fruits of our toil, across the seas, in search of a theatre of unthankful and unwelcome exertion. Let the philanthropist but look at home for opportunities to display his pious benevolence, and his eye will recognize many a friendless, moneyless, orphan child, whose soul only waits to be kindled into flame upon education's heavenly altar, that he may leave his rags and wretchedness behind him; and wielding the sword of the hero, or the pen of the statesman, by the force of moral precept in the pulpit, or of eloquence at the bar, or in the senate, rise to the noblest summit of fame, and become a pillar of support to his country—but without some aid, "is doom'd to die unseen." Much might be effected by the millions of dollars which must leave our country, never to return, in a crusade after foreign displays of liberality, towards spreading the lights of science and the unctions of a well-aimed charity, to be appreciated, in all enduring time, throughout America, if applied in that way. There are thousands of patriotic, grey-haired fathers and matrons, (besides those who are pensioners for bleeding in the defence of the liberties we enjoy,) and their descendants, who assisted in rearing up and sustaining our beloved institutions, who are eating the bread of poverty, and supping the cup of ingratitude, whose claims to preference, before the Greek or the African, or any other nation that contribute nothing to our support, are solemn and commanding. Whilst our own unfortunate poor are sold to the lowest bidder in the public streets, many of whom have seen days that possessed them with the means and rank far above their purchasers, now compelled to feed upon the crumbs of a scanty meal, and to experience, after a life well spent, just as their sun is setting, their worst days, and even the degradation of mastery, and the separation of kindred ties—and whilst thousands of families are without the word of truth—and tens of thousands of youths who must soon take the reigns of this mighty republic into their hands, are fast rising to maturity, without sufficient intelligence for the stupendous business of self-government—we are admonished by every thing *sacred* and *dear,* to look *first* to the deranged concerns of *home.* Whatever society, or association, or measure, is calculated to preserve the union of the states—to destroy sectional jealousies—preserve national tranquility—maintain the public liberty and honor—and to encourage industry, economy, morality, religion, learning, humanity temperance, and equality among the people—or whatever is purely intended to emancipate and colonize the slave voluntarily—to diffuse intelligence—to improve the country—educate the youth, and circulate the Bible,—if pursued from honest convictions of duty, and not from political and clerical considerations—are among the important means of promoting the prosperity, power, and happiness of the nation. But whatever may have an indirect tendency to aggrandize a *few* at the sacrifice of the many, or lead to a political or religious aristocracy—to the ascendency of any one society or class of people over another,—or to sanction the designs, *misrepresentation,* or *dictation* of self-created bodies, never approved by the people, and unknown to the Constitution and laws of the country, subverting and, virtually, mending those instruments, by a *part,* which of right belong to a *whole*—should be compelled to take its rank next in dignity to the most daring, unhallowed treason. Before we approve of unauthorized cabals and institutions, got up for designing and splenetic purposes, let us profit by the advice of the Father of his country, "That all combinations and associations, under whatever plausible character, with a real design to DIRECT, CONTROL, COUNTERACT, or AWE the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, [the unity of government] and of fatal tendency."

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[36] Several bills were introduced in the Assembly at this session dealing with the care of the state's indigent population. The House committee on ways and means, after considering this part of the Governor's message, introduced a bill and then postponed its consideration until the following session. Contents of the bill are not known. Indiana *House Journal,* 1829-30, pp. 289, 401, 424. Of the Senate bills, one to divide the state into seven districts with an asylum in each district was indefinitely postponed. Another, to amend the act of 1824, was tabled. *Senate Journal,* 1829-30, pp. 155, 162, 233, 238, 289, 401, 424. Two bills that were introduced became laws. One of these authorized the erection of asylums in Dearborn and Washington counties and the other related to the asylum in Floyd County which had already been erected. *Laws,* 1829-30, pp. 7-9. A proposal to ask Congress for two townships of land to aid in the erection of an asylum for orphans and indigent children was added to the joint resolution relative to the establishment of a medical college and passed both houses. *Ibid.,* 174-76.

Real Estate

Justice to our own citizens, and public policy, are again beginning to urge their claims to a law which will place execution defendants in this state, upon an equality with those in the state where the contract was made, in relation to the disposal of the fee simple of real estate. If there is any thing that would justify a law, other than one prospective in its operation, it would be the hardships which some valuable citizens of Indiana are subject to, in being compelled to witness a sacrifice of their homes, without any thing like a just compensation therefor, whilst they may have claims suspended under the more prudent valuation laws of other states, which would afford ample relief, if they could be obtained. Almost all well regulated governments, place some kind of valuable restriction upon the transfer of real estate by the operation of law, whilst some will not permit it at all. There would be strict justice, however, in enacting, that the remedies of the place where contracts are to be executed or are made, should govern in this respect.[37]

Gambling

The demoralizing and dishonest practice of gambling for any thing valuable, ought to be assailed, by more searching and efficient laws than any which are in force. There is no offence in our penal code, which is more frequently committed; and no violation of law which escapes with such general license and impunity. This class of offenders take shelter, in nearly all cases, under the principle of law which excuses one from being his own criminator. Though it may be unsafe to interrupt this settled dicta, yet, the gaming fraternity may be compelled, *each* to testify against his *fellow,* and in this manner arrive at justice. Considerable penalties, to be divided among common informers, may tend to bring much of this secret iniquity to light, so ruinous both to the aged and the young.[38]

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[37] The Senate judiciary committee, to whom this portion of the Governor's message was referred, reported that they were of the opinion that the changes recommended by his Excellency "would be deleterious in their practical effects to the prosperity of the country, and that no legislation was necessary or expedient on the subject." Indiana *Senate Journal,* 1829-30, pp. 93-94.

[38] See note 39, below.

Habitual Drunkenness

The rights of matronal and infant innocence may be protected against the ravages of habitual intemperance, in most instances, by placing the estate of the husband or father, into the provisional possession of guardians; whilst the offender will be mortified and punished by the legal deprivation of using his substance at pleasure. And a forfeiture of privileges, until reformation reaches him, may, with every propriety, be attached to the *notorious habitual* drunkard, who has succeeded by a continued course of dissipation, in burying his moral sense of obligation, his intellect, and his further usefulness, in the bowl.[39]

Titles

Other titles than those which are necessary to express the official character of office—such as *Excellency, Honorable, Esquire,* &c., calculated to draw a contradistinguishing line of demarkation between the officer and citizen of equal worth is thought to be a remaining badge of *foreign* distinction, which may be dispensed with, without any injury to the cause of simple republicanism. If a man confers *honor* on his *office, title* is a useless appendage;—if *it* is *necessary* to do *him* honor, it is worse than a burlesque.

State Finances

On the first of December, 1829, the cash remaining in the Treasury, appears to have been $7727.29, which is chargeable with the following items: Judiciary, $1225; Probate Judges, supposed, $1000;—Circuit prosecutors, $175;—Specific allowances, $563;—Outstanding warrants, $362.05;—Conscientious fines, $542.52;—and Indianapolis fund, $2726;—making in all, $6593.57; which, deducted from the said balance, leaves in the Treasury a nett balance of $1133.72 on said day.[40] The above specified items constitute the state debt. The assessments for the present year, except from the counties of Allen, Dubois, and Scott, amount to $36997.30, which, added to the estimated assessments of said counties, of $1003.70—make, altogether, $38000.00. Delinquencies, commission, milage, &c., will probably amount to $6500,—which, deducted from the $38000.00, will leave for the Treasury, $31500.00, including the $1041.33 of the same already paid.

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[39] The Governor's remarks on gambling and drunkenness were also referred to the Senate judiciary committee. After considering them, Stevens, chairman, reported that the committee believed it inexpedient to legislate on those subjects. Although well aware of the prevalence of the vices and evils complained of, and the demoralizing and desolating effects thereof, they believed that penal enactments never would nor could produce the desired reformation; but that education, manners, and customs of society were the only effectual antidote. The amendments to the gambling laws suggested by the Governor were practicable and would be perhaps salutary, reported the committee, but since the laws must shortly be revised it was deemed unnecessary to make the amendments at this time. Indiana *Senate Journal,* 1829-30, p. 100.

To the above $31500, add the balance in the Treasury on the first of December; and the means for the current year amount to $32633. Though full settlements by all the collectors of this year's revenue, may not be made, the deficit will hardly exceed the collections from old delinquencies. When it is remembered, that a part of the items, of what is denominated debt, are payable at the pleasure of the state, it may be seen, that the available means for the service, can be enlarged. The ordinary expenses of the government this year, need not exceed those of the last,—say 26000. Whilst it is due to collectors of the last year's revenue, to acknowledge the promptitude with which they have paid the revenue of that year into the Treasury, it is believed, that the assessments of this year fall short of what ought to be reported to the Treasury.

The present revenue law, with such amendments as will require all taxable lands in the state, to contribute to swell the Treasury, by doing away *assessments* of *land,* and making collectors act, in collecting land taxes, upon plots from land offices, considering the unusual emigration to the state this year, and the increase of sources of taxation—ought to return to the Treasury, next season, assessments, nearer to fifty than forty thousand dollars. The above is an exhibit of the Treasury on the first of December instant.

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[40] The Governor's figures differ slightly from those given in the treasurer's report. See *post,* 499-502.

Three Per Cent Fund.

The whole amount of the three per cent fund, which has been received by the different agents of this state, from the United States, is one hundred and five thousand, sixty-seven dollars, and forty-nine cents. The agent of state has also received from the agent of the State Treasury (canal fund) $2500. The amount appropriated since the $100,000, in 1822, is $5,500, all of which have been expended. If the Legislature shall appropriate any more of this money, until it shall further accumulate, the complexity which has grown out of former legislation upon the subject, and the difficulty attendant upon the distribution of the fund under it, will suggest the necessity of making an entire new arrangement, and division of the fund in future.[41]

Upon the subjects which I have enumerated, and all others which your superior wisdom shall point out, I will cheerfully co-operate with you, by day or by night, to subserve the great and substantial welfare of our mutually beloved country, that we may, by joint exertion, call forth from the constituent, the thrilling plaudit, *"well done."*

Dec. 8, 1829. JAMES B. RAY

Ray to the President of the Senate, Transmitting a Communication[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, December 10th, 1829

HON. MILTON STAPP, President of the Senate:

SIR—enclosed, I herewith transmit to you for the use of the

[41] The report of Benjamin I. Blythe, agent of the fund, is given in the *Senate Journal,* 1829-30, pp. 75-77. The Governor's figures differ slightly from those given by the agent.

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[1] Indiana *Senate Journal,* 1829-30, pp. 55-56.

senate and house of representatives, the report of Mr. James Borland, the treasurer of the Indiana college.

Respectfully, Your obedient servant,

J. BROWN RAY

[Enclosure]

TO HIS EXCELLENCY, J. B. RAY, Governor of the State of Indiana:

In discharging the duties of the treasurer of the Indiana college, the following of the receipts and expenditures since the 26th of November, 1828, up to the present time, (being the whole that came into his hands,) is respectfully submitted.

Remaining in the treasury on the 26th of Nov., 1828,	$ 14 45 1/2
Received of the students,	311 75
	$326 20 1/2
Paid to the orders of trustees,	259 56 1/2
Which being deducted from the above, leaves in the treasury,	$ 66 64

Respectfully submitted,

JAMES BORLAND, Treasurer

Nov. 28th, 1829.

Jeremiah Sullivan to the President of the Senate, Transmitting the Results of his Negotiations with Ohio[1]

INDIANAPOLIS, Dec. 10, 1829.

SIR: In obedience to a joint resolution of the general assembly of the state of Indiana, entitled "A joint Resolution appointing a commissioner, to adjust the terms upon which the lands granted to this state, by the act of Congress of the

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[1] Indiana *Senate Journal,* 1829-30, pp. 56-60.

2d March, 1827, shall be conveyed to the state of Ohio," approved January 5, 1829, I transmit for the consideration of the Senate, a report of my proceedings in the negociation with the state of Ohio, in relation to the Wabash and Miami Canal; and a copy of the compact made with that state.

I have the honor to be Your very obt. servt.

JER. SULLIVAN

HON. MILTON STAPP, Prest. of the Senate.

[Enclosures]

Copy of Compact with Ohio

Wyllys Silliman, Commissioner on the part of the state of Ohio, and Jeremiah Sullivan, Commissioner on the part of the state of Indiana, duly appointed and commissioned, as such, by their respective states, "to treat of and adjust the terms upon which the right and interest of the state of Indiana, in the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March, 1827, entitled "An Act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal, to connect the waters of the Wabash river with those of Lake Erie," shall be conveyed and relinquished to the state of Ohio; to provide for, and secure to those citizens of the state of Indiana, who may hereafter be engaged in the transportation of merchandize on the Miami canal, the same terms that the citizens of Ohio may be allowed, and enjoy on the Wabash and Miami canal; to ascertain the time when the State of Ohio will construct the Miami canal; and to agree upon the manner and terms, upon which, the Wabash and Miami canal of Indiana, and the Miami canal of Ohio shall be connected;" having interchanged their full powers to act in the premises, do enter into the following agreement:

1. It is stipulated and agreed by and between the contracting parties, as aforesaid, for and in consideration of the acts, hereinafter stipulated, to be performed by the state of Indiana, that the state of Ohio will construct that part of said Wabash

and Miami canal, that lies within her limits; and that the state of Ohio shall commence the construction of the same, within five years from the first day of January, 1830, and complete the same within fifteen years thereafter: Provided, that the state of Indiana shall have commenced that part of said canal, which will be within the limits of the state of Indiana, within the period limited by the act of Congress aforesaid, approved the 2d March, 1827.[2]

2. It is also stipulated and agreed, in consideration as aforesaid, that the state of Ohio shall keep and preserve that part of said canal, within the limits of the state of Ohio, in such a state of repair, as always to admit of the free and uninterrupted navigation of the same, and that the citizens of the state of Indiana shall be permitted to navigate the same with their boats, merchandize, and all other property, and shall be subject to the payment of no higher, or other tolls, duties or impositions, than are paid by, or imposed on the citizens of Ohio, navigating the principal canals of Ohio.

3. The state of Indiana, for and in consideration of the stipulations and agreements, as aforesaid, to be performed by the state of Ohio, doth agree, that she will, within one year, after this contract shall have been ratified by the legislatures of the respective states, convey and relinquish to the state of Ohio, all the right, title and interest granted to the state of Indiana, to the lands within the limits of the state of Ohio, by the before recited act of Congress of the 2d March, 1827; but it is fully understood, and it is agreed by and between the contracting parties aforesaid, that if the state of Ohio should fail, after having ratified this contract, to complete that part of said canal which shall lie within the limits of said state as aforesaid, within the time stipulated in this contract, then the said lands, hereby agreed to be conveyed to the state of Ohio, shall revert to the state of Indiana; and the state of Ohio, shall release to the state of Indiana, all the right, title and interest, she shall have acquired therein, by virtue of this contract, or

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[2] Construction of the canal in Indiana was to begin in five years and be finished in twenty years.

otherwise; and it is further agreed and stipulated by and between the contracting parties, as aforesaid, that if the state of Ohio shall have sold, or otherwise disposed of said lands, or any part of them, then in case of failure as aforesaid, the state of Ohio shall pay to the state of Indiana, the amount of monies for which said lands shall have been sold, and which shall, in no case, be less than one dollar and twenty-five cents per acre.

4. It is furthermore agreed and stipulated, by and between the parties aforesaid, that the state of Indiana shall complete that part of said canal, which shall be within the limits of said state, within fifteen years from the first day of January, 1830.

5. It is further stipulated and agreed, by and between the said contracting parties, that the said canal, when finished, shall be open to the navigation of the citizens of the other states of the Union, upon the same terms that the same is navigated by the citizens of Ohio and Indiana.

6. It is further agreed by the contracting parties as aforesaid, that so soon as this contract shall have been fully ratified, the legislatures of the respective states of Indiana and Ohio shall apply to the Congress of the United States, so to modify the said grant of land made to the state of Indiana by the act of Congress aforesaid, as to vest in the state of Ohio, the title to so much of said lands, as lies within the limits of said state, when the state of Ohio shall have completed, in good faith, that part of said canal, which shall be within the limits of said state, and which, when made, shall supercede the necessity of any deed of relinquishment, or other grant of said lands, from the state of Indiana to the state of Ohio.

7. It is further agreed by the contracting parties as aforesaid, that this contract shall be perpetual between the said states, parties hereto, subject nevertheless, to such alterations and modifications as may be mutually agreed upon by the legislatures of the said states.

8. It is further agreed that this compact shall be ratified or

rejected by the legislatures of the respective states, parties hereto, prior to the first day of February, 1831.[3]

In witness whereof we have hereunto set our hands at Cincinnati, in the state of Ohio, this third day of October 1829.

(Signed,) W. SILLIMAN
JER. SULLIVAN

TO THE GENERAL ASSEMBLY OF THE STATE OF INDIANA

The commissioner appointed by the General Assembly of the state of Indiana, to adjust the terms upon which the lands granted to this state by the act of Congress, of the second of March 1827, shall be conveyed to the state of Ohio, did in obedience to the joint resolution of the General Assembly, approved January 5th, 1829, forthwith proceed to the seat of government of the state of Ohio, for the purpose of entering upon the negotiation entrusted to him. The legislature of Ohio, acknowledging the importance and necessity of the adjustment asked for by Indiana, did, after due deliberation, authorize and require the Governor of that state to appoint a Commissioner to treat with the undersigned; and to report his proceedings to the General Assembly of that state, for its approval or rejection.

Having been officially informed of the appointment of Wyllys Silliman, Esq. Commissioner on the part of the state of Ohio, I had the honor of meeting that gentleman, and of entering with him on the consideration of the following subjects, with which the undersigned is charged in the joint resolution above referred to.

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[3] The Indiana Assembly ratified the compact with two conditions: one, that Ohio should commence and proceed in opening her part of the canal at the same time that Indiana was constructing her part, and, two, that so much of the third article of the compact as related to the possible failure of Ohio to complete her part of the canal, should be expunged. *Laws of Indiana,* 1829-30, pp. 172-73. The Ohio legislature, fearing that the Wabash and Erie Canal would be a competitor with her own canals which she was building at state cost, delayed ratifying the agreement until 1834, and then waited three more years to begin construction. Work progressed rapidly after that and the canal was opened from Lafayette to Toledo in 1843. Willis Richardson, History of the Wabash and Erie Canal (Master's thesis, Indiana University, 1925), 30-31.

1. The terms upon which the right and interest of the state of Indiana, the land within the state of Ohio, granted to the state of Indiana, by the act of Congress of the second of March 1827, shall be conveyed and relinquished to the state of Ohio.

2. What provisions should be made, securing to the citizens of the state of Indiana, who may be engaged in the transportation of merchandize on the Miami Canal, the same privileges, and the same terms that the citizens of Ohio may be allowed and enjoy, on the Wabash and Miami Canal.

3. The time when the state of Ohio will construct the Miami Canal, and

4. The manner and terms upon which the Wabash and Miami Canal of Indiana, and the Miami Canal of Ohio shall be connected.

After much deliberation we agreed upon a compact, the original of which is filed in the office of the secretary of state, and a copy of which is herewith transmitted for the consideration of the General Assembly.

The undersigned regrets that a contract more satisfactory in its provisions, and particularly with regard to the period within which the whole line of the Canal shall be completed, could not be made. On that point the Ohio commissioner was unyielding. Believing that the states could accomplish the work in a much shorter time than fifteen years, I proposed to the Ohio Commissioner a period less distant, and urged its acceptance upon him, but finding that he was bound by instructions from which he did not feel at liberty to depart, and remembering that our proceedings would receive the deliberate consideration of the General Assembly, I submitted to that provision and signed the contract. It will be remembered that Ohio is now engaged, in works of vast extent, and although she is rich in resources, strong in numbers, and in every respect entirely competent to fulfill all her engagements, yet she is unwilling to embarrass herself with new undertakings or to project new works, until those in progress are completed. The works in which that state is now engaged will be completed it is believed in less than five years, after which it is hoped, she will keep pace with Indiana in the construction of the Wabash and Miami Canal. The fact that the trade and commerce of the northern and most fertile parts of Indiana, Illinois and other regions further west, would become tributary to Ohio, by the extension of the Wabash and Miami Canal through her limits, is a sufficient guarantee that Ohio will, at no distant day extend it to the Maumee Bay. It is well known in the state of Ohio, that the waters of the Wabash, can be connected by a Canal with the waters of Lake Erie, without entering upon the territory of Ohio.

We are therefore assured, not only from the magnanimity of her character, but by the wisdom and providence of her councils, that Ohio will complete the contemplated canal on the most direct route, to the Maumee Bay.

That Ohio would make a contract by which she could obtain the use of our lands for a few years, without intending in good faith to complete the Canal within her limits in the time agreed on, is not to be supposed. The bare supposition, that she may do so, is dishonoring to that state. The grant of lands from the Congress of the United States to the state of Indiana, puts it in the power of Indiana to dispose of the lands in that grant, and use the proceeds for twenty years, and then pay to the government the value of the lands without interest. The imputation that Indiana would act dishonorably and in bad faith, was not made on the floor of Congress, when the bill making that grant was under consideration. Such a supposition would have amounted to a charge of perfidy, and would have been indignantly repelled. Would the legislature of Indiana have accepted the grant made by the act of Congress of the 2d March 1827, if it had contained a provision, that in case of failure to complete the Canal within twenty years, the value of the land, with interest, should be paid to the United States? If she would not, we cannot suppose that any compact made with the state of Ohio, containing such a provision, would be ratified by that state.

The undersigned supposed, that all the advantages which the state of Indiana had acquired by the grant of the second March, 1827, would be cheerfully surrendered to the state of Ohio, so soon as she would undertake in good faith to relieve Indiana of the labor and expense of extending the canal, and completing the work herself. Under this impression he acted, the propriety of which, he submits to the general assembly.

In relation to the extension of the Miami canal, the manner and terms upon which the Wabash and Miami canal of Indiana, and the Miami canal of Ohio, shall be connected, and the privileges to be secured to the citizens of Indiana, navigating the Miami canal, the undersigned communicates, that on these subjects, or either of them, the Ohio commissioner was unwilling to treat. The extension of the Miami canal to the lake, is not yet authorized by the legislature of Ohio, nor is its practicability satisfactorily ascertained. It is obvious therefore, that all negotiation on these points, at this time, would be premature.

I have the honor to be, With respect, Yr. vy. obt. servt.

JER. SULLIVAN

HON. MILTON STAPP, Pres't. of the Senate.
Indianapolis, Dec. 10, 1829.

Treasurer's Report[1]

TREASURY DEPARTMENT, December 10, 1829.

The Treasurer in obedience to the directions of the "act concerning the Auditor of Public accounts and Treasurer of State, ["] respectfully submits the following report of the Public Revenue and expenditure from December 1, 1828, to December 5, 1829.

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[1] Indiana *Senate Journal*, 1829-30, pp. 63-66, 69-70. Also in *House Journal*, 1829-30, pp. 71-73, 77. The report contained five separate reports, only two of which are printed here. Those omitted relate to the college fund, the seminary fund, and stationery purchased.

Amount in the treasury Dec. 1, 1828, ...$11,348 01

Receipts from that period to 5th Dec. 1829

From taxes due for the year 1822, ...	$ 145 47	
″ ″ ″ ″ ″ ″ 1823, ...	606 13	
″ ″ ″ ″ ″ ″ 1824, ...	69 60	
″ ″ ″ ″ ″ ″ 1825, ...	19 52	
″ ″ ″ ″ ″ ″ 1826, ...	144 38	
″ ″ ″ ″ ″ ″ 1827, ...	218 10	
″ ″ ″ ″ ″ ″ 1828, ...	27,001 86	
″ ″ ″ ″ ″ ″ 1829, ...	2,885 08	
″ Sales of lots in Indianapolis	3,053 81	
″ ″ of seminary lands, ...	4,617 91	
″ ″ of lands mortgaged to loan office, ...	271 50	
″ Loans refunded	496 84	
″ Interest on loans, ...	1,394 79	
″ Adm'r of T. Deccast, who left no heirs, ...	36 74	
″ Militia fines, 39th and 48th regiments	36 87	
″ Superintendent of French Lick, ..	25 00	
Total rec'ts,		41 023 60
Making in all,		$52,371 61

Expenditures during the above period:

Contingent fund, ...	$ 394 27
For printing and stationary, ...	2 667 00
Pay and milage of members of legislature, ...	11 599 82
Salaries of the judiciary, ...	5 703 38
″ ″ ″ Executive, ...	2 138 95
″ ″ ″ Prosecuting attorneys, ..	954 50
″ ″ ″ Adjt. and quarter master general, ...	206 25

Specific appropriations	1 618 91
Expenses of presidential election, ...	172 30
" State prison, ...	519 52
" State library, ...	63 63
" Probate judges, ...	18 00
" Premiums for wolf scalps, . .	555 50
" Michigan road, ...	1 828 64
" Canal fund, ...	1 442 45
Appropriation for Wabash and Miami canal, ...	1 000 00
" " Salt springs, ...	85 00
Paid to county seminaries of militia fines, ...	20 25
Orders of trustees of Indiana College and allowances in relation to same, . .	1 942 07
Salary of agent and appropriations for improvements at Indianapolis, ...	2 247 49
Loans of seminary funds and consideration of a tract of mortgaged land sold on credit, ...	7 070 00
Leaving in the treasury on the 5th Dec. 1829, ...	10 123 68
	52 371 61

The claims to which the state is liable, are as follows:

Out-standing warrants, ...	162 05
Salaries and special allowances not yet audited, ...	1 863 00
Conscientious fines, ...	542 52
Pay of probate judges, (estimate,)	1 000 00
Indianapolis fund, ...	3 307 34
Making in all	$6 974 91 [$6 874 91]

Which deducted from the cash on hand, leaves $3148 77 of old delinquencies and of the revenue of 1829, there will probably be paid during the next financial year, the sum of $28,500, which, with the cash on hand, will make $31,648 77 to meet the current expenditures of the year. The expenses of the last year, without taking into consideration the Indianapolis or College payments which are drawn from different sources, amount to $30,988 37. The expenses of the ensuing year, will probably exceed that sum, as the pay of probate judges will be a heavy additional item. Should they amount to only $31,000, there will be in the treasury on the 1st Dec. 1830, $648 77.

The state revenue from the year 1822, to this time has arisen almost entirely from a tax on polls and land. During this period the taxable polls have increased from 28,500 to 48,500, and the taxable land from 1,874,710 acres to 3,595,177 acres. The increase was much larger in the years 1823 and 1824 than any which have succeeded, as may be seen from the following statement of actual receipts, calculating the revenue at the present rates.

Receipts for the revenue of	1822,	$17,400 00
" " " "	1823,	20,315 00
" " " "	1824,	22,834 00
" " " "	1825,	24,395 00
" " " "	1826,	25,635 00
" " " "	1827,	27,091 98
" " " "	1828,	29,721 18
" " " "	1829, estimate	31,500 00

Judging from the past, the revenue of the state can hardly be expected to increase more than from fifteen to eighteen hundred dollars per annum. The increase in expenditure during the last seven years has been principally in the following items.

Legislative and printing about	$5,000 00
Probate judges and wolf scalp bounties, about	3,500 00
Making	$8,500 00

New occasions of expenditure will probably arise in the judiciary and other departments, so that a considerable surplus revenue is not soon to be expected.

Respectfully submitted,

SAML. MERRILL

Allowances from contingent fund by the Governor.

1828, Dec. 10.	Samuel Ray for notifying Wm. Lowe an elector,	$ 11 00
″ ″ ″	George Piercy, notifying B. V. Beckes an elector,	28 00
1829, Jan. 24.	Thomas Scott, attendance at Court Martial,[2]	2 00
″ ″ ″	John T. M'Kinney for transporting public arms,	16 00
″ ″ ″	William Youse for do. do.	8 00
″ ″ ″	Elisha Long for notifying Ross Smiley an elector,	15 00
″ ″ ″	I. G. Read for notifying R. Boon an elector,	32 00
″ Feb. 15.	Samuel Henderson for postage,	22 40
″ ″ ″	Drake and Conkling for paper,	11 25
″ ″ ″	Thomas Sharpe for copying Memorials,	5 00
″ March ″	Charles Mitchel for attending Court Martial,	3 00
″ ″ ″	Henry Brewer do. do. do. do.	1 00
″ ″ ″	Nicholas M'Carty for stationary,	53 79
″ ″ ″	I. N. Phipps, ″ ″	4 69
″ ″ ″	John Cain for book binding,	17 84
″ June ″	Saml. Henderson for postage,	24 19

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[2] The ways and means committee of the Senate expressed doubt as to whether Thomas Scott and the other militia officers were entitled to compensation for attending a court martial. They asked that the military committee be instructed to inquire whether the existing laws authorized such compensation and permitted the payment of such claims out of the State treasury. Indiana *Senate Journal*, 1829-30, p. 187. The military committee reported that no act warranted payment from the treasury for such service. *Ibid.*, 209.

″	″	″	Jas. Morrison for copying Polke and Hinds report,	3 50
″	″	″	David Osborn for attending Court Martial,	3 00
″	″	″	George Shirts for do. do. do. do.	3 00
″	″	″	John Cain for binding and stationary,	12 06
″	″	″	Smith and Bolton for advertising fugitive,	3 50
″	″	″	″ ″ ″ for printing blanks for secy.	10 00
″	″	″	John H. Newland carriage and charges on map,	3 00
″	Sep.	″	Noah Wright notifying Col. Durham an elector,	16 00
″	″	″	Christopher Shuck carriage of books,	72
″	″	″	John Cain blank book for adj. gen.	12 20
″	″	″	John Givan cordage for packing laws,	4 88
″	Nov.	20.	Nicholas M'Carty for stationary,	48 25
″	″	″	John Cain blank book for treasurer,	14 00
″	″	″	Caleb Scudder, table, ″	5 00
				$ 394 27

I certify the above to be correct.

S. Merrill

Auditor's Report[1]

Auditor's Office,
Indianapolis, Dec. 12th, 1829.

To the President of the Senate:

Sir—Herewith is laid before you, the annual report of receipts and expenditures for the current year.

I am, respectfully, Sir, your ob't sv't,

Morris Morris, A. P. A.[2]

Hon. Milton Stapp, President of the Senate.

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[1] Indiana *Senate Journal*, 1829-30, pp. 80-82. Also in *House Journal*, 1829-30, pp. 107-9.

[2] Morris had been elected auditor by the General Assembly on

AUDITOR'S OFFICE,
INDIANAPOLIS, Dec. 5th, 1829.

In obedience to the "act, concerning the Treasurer of State, and Auditor of public accounts," the following report of receipts and expenditures on account of the State of Indiana, is respectfully submitted.

There was remaining in the Treasury, on the 30th day of November, 1828, provided all claims audited to that date were paid, ...		$11,323 39
Since the above period, there has been paid into the treasury, on account of		
balances due for the year 1822,.....$	145 47	
″ ″ ″ ″ ″ 1823,.....	606 13	
″ ″ ″ ″ ″ 1824,.....	69 60	
″ ″ ″ ″ ″ 1825,.....	19 52	
″ ″ ″ ″ ″ 1826,.....	144 38	
″ ″ ″ ″ ″ 1827,.....	218 10	
From collectors of revenue, for 1828,..	27 001 86	
″ ″ ″ ″ 1829,..	2 885 08	
″ Sales of lots in Indianapolis,....	3 053 81	
″ ″ ″ seminary lands, ...	4 617 91	
″ ″ ″ lands mortgaged at loan office, ...	271 50	
″ Loans of seminary money refunded, ...	496 84	
″ Interest on seminary fund,....	1 394 79	
″ Estates without heirs, ...	36 74	
″ Conscientious fines, ...	36 87	
″ Superintendent of French Lick.	25 00	
Error in balance heretofore reported, ...	7 12	41 030 72
Making in all,		$52 354 11

December 4, 1828; his term began at the close of the legislative session. *Executive Proceedings, 1816-1836,* p. 288.

Since the above period, there has been audited		
For public printing and stationary,	$ 2 667 00	
″ Expenses of last general assembly, including pay of members, clerks and door keepers,	11 599 82	
Salaries of officers,	2 300 00	
″ ″ ″ Supreme and Circuit Judges,	5 703 38	
″ Allowances to probate judges,	18 00	
″ Salaries of prosecuting Attorneys,	954 50	
″ ″ ″ Adjt & Qr. master genls.	206 25	
On account of State seminary,	1 942 07	
″ ″ ″ County seminaries,	20 25	
″ ″ ″ Canal fund,	1 442 45	
″ ″ ″ Wabash & Miami canal,	1 000 00	
″ ″ ″ Michigan road,	1 828 64	
″ ″ ″ Seat of government,	2 247 49	
″ ″ ″ Specific appropriations,	1 618 91	
″ ″ ″ Electors of president &c.	172 30	
″ ″ ″ State Prison,	519 52	
″ ″ ″ State Library,	56 13	
″ ″ ″ Wolf scalps,	546 50	
″ ″ ″ Salt springs,	85 00	
Contingent expenses for 1829, per treasurers' report,	394 27	
Amount of loans of seminary fund including sales of mortgaged lands upon credit,	7 070 00	
Per treasurers' report,		$42 392 48
Making the total am't of expenditures,	$42 392 48	
Which deducted from	52 354 11	$9 961 63

Leaves in the treasury on the 5th of Dec. 1829, provided all claims audited to that date, have been paid, ...	$ 9 961 63	
The number of polls assessed in all the counties except Allen, (from which no return has been received) for 1829, is	484 54	
The assessments from all the counties in the state (except Allen,) amount to		$37 769 68
From which, deduct for delinquencies, commission, and other allowances, . .		6 294 94
Will leave for the treasury, ...		$31 474 74

Early in March last, the accounts of all the delinquent collectors, not previously sued, were forwarded to their respective counties for collection.

But a very small portion of them has as yet been collected and paid over. But from information received from the prosecuting attorneys, a greater amount will ultimately be secured than could have been reasonably expected.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Ray to John Ewing[1]

INDIANAPOLIS, IND., Dec 12, 1829.

JOHN EWING, SENATOR FROM THE CO. OF KNOX:

SIR: The relation that exists between you, your antagonist Gen. Tipton, and myself, *friendly and unfriendly,* causes me sincerely to regret, that it becomes necessary for me to say any thing on the subject of difference between you. Duties of an unpleasant nature, however, must be frequently performed, from higher considerations than those alluded to.[2]

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[1] Indianapolis *Indiana Journal*, December 16, 1829.

[2] The occasion for the clash at this time between Tipton and Ewing was a letter written in September by Tipton, Gillis McBean, and Hiram Todd, all residents of Logansport, to the citizens of Indiana, which was

I have perused your note of the 8th instant, now under my eye, and have carefully looked over the newspaper publication over the signature of "Keep dark John," and the questions you have propounded to me in relation to its contents, have endeavored to recollect the transactions of the treaty; and in conclusion am bound to state, that if any of the insinuations or charges in the said publication are true they are not known to me. It would be more than could be expected, for me, to recollect *all* that transpired at the treaty; but, those transactions which came before me as a commissioner, still exist in my remembrance. You did *not visit* the treaty, or the commissioners table, while there, without an invitation; nor *trump up* an account against the Indians *without items.* Your claim was a *note* of hand of some years standing, which was paid by order of the chief of the tribe that made it. If you sold a horse or goods they were valued in the same manner that all other horses and goods sold *there* were; and the number of horses sold were very numerous, which was occasioned by the pressing importunities of the Indians to get that kind of property in payment.

To make this reply short, let me add, that I knew of nothing dishonorable, or ungentlemanly of you at the treaty; but on the contrary, you evinced a great anxiety about the success of the treaty, and particularly the proposition which I made about

published in the Indianapolis *Journal,* October 29, 1829. The letter urged the citizens of the state to settle their differences over the Wabash and Erie Canal and Michigan Road in order that construction of these important works might be started. Ewing took exception to the letter, called it sectional in its interests, advocated selling the canal lands on credit rather than for cash as Tipton suggested, and opposed routing the Michigan Road through Logansport. Tipton then came back with charges against Ewing's conduct on the treaty grounds in 1826. (Ewing signed the Potawatomi treaty as a witness, but he held no official position in the negotiations.) Ewing appealed to Governor Ray, James Gregory, and William Conner to refute the charges. Their letters and Ewing's self-vindication and counter charges were printed in the *Journal,* December 11-12, 15-16, 1829. See the *John Tipton Papers,* 2:200-9, 223-27, 228, 234 for the Tipton, McBean, and Todd letter and for Tipton's letters to Ewing and to the *Journal* editors. See also Ewing's report as chairman of the canal committee, *ante,* 380n.

the canal grant, nearly as it was afterwards enacted in Congress by law. Your continued exertions, under all circumstances, at the seat of government and elsewhere, in favor of the Wabash canal, are so notorious, that any thing I could say, would give to them no additional celebrity.

Very respectfully, your obt. servt.

J. B. RAY.

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT, IND.
INDIANAPOLIS, Dec. 15th, 1829.

ROSS SMILEY, Speaker of the House of Representatives:

SIR: The resolution of the house of Representatives, of yesterday, requesting me to give information, whether any report of the engineer appointed in pursuance of an act of Congress to examine the obstructions in the Wabash river, has been made by the engineer, or furnished by the Secretary of War, and if so, to transmit the same, and to communicate to the house any information, &c. being before me; permit me to reply, that *neither* has been done, and to further state, that the enclosed letter from the engineer, is the last and only information in my possession, on the subject.[2]

Respectfully yr. obt. servt.

J. BROWN RAY

Ray to the President of the Senate[1]

INDIANAPOLIS, INDIANA, December 26, 1829.

MILTON STAPP, President of the Senate:

SIR:—I hereby inform the Senate of Indiana, over which

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[1] Indiana *House Journal,* 1829-30, pp. 115-16.

[2] The engineer's letter has not been found, but it is probably the one answered by Ray on June 20, 1829. See above. The engineer did not make his report until 1831. It is printed in U. S. *Senate Documents,* 22 Congress, 1 session, No. 21, pp. 2-11.

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[1] Indiana *Senate Journal,* 1829-30, p. 164.

you preside, that Thomas M. Sharpe, is authorized to deliver messages to that body, for me.

I am sir, Very respectfully, Your obedient servant.

J. Brown Ray

Ray to the Speaker of the House[1]

Indianapolis, Indiana, Dec. 26, 1829.

Ross Smiley, Speaker of the H. of Representatives.

Sir: I hereby inform you, that Israel P. Griffith is authorized to deliver messages to the house of representatives, over which you have the honor to preside, for me.

I am, Sir, yr. obt. servt.

J. Brown Ray

Ray to the Speaker of the House[1]

Executive Department
Indiana, Indianapolis, Jan. 12, 1830.

Ross Smiley, Speaker of the House of Representatives,

Sir: I hereby enclose a letter from Benjamin Park, one of the visitors of the Indiana College, tendering his resignation.[2]

I am respectfully your obt. serv't.

J. Brown Ray

[1] Indiana *House Journal,* 1829-30, p. 220.

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[1] Indiana *House Journal,* 1829-30, p. 337.

[2] Bishop Robert R. Roberts was appointed on the board of visitors of the Indiana College in place of Benjamin Parke who was in feeble health as the result of paralysis. At the same time James Armstrong of Fountain County was appointed in place of George Bush who had removed from the state. *Laws of Indiana,* 1829-30, pp. 173-74.

Ray to the President of the Senate Relative to the Militia[1]

Executive Department, Indiana,
Indianapolis, January 12th, 1830.

Milton Stapp, President of the Senate:

Sir—The resolution of the senate of the 9th instant, relative to the strength of the militia, and their arms in divisions and brigades, and relative to the quantity of the public arms received, and the manner of their distribution throughout the state, is answered, as far as my data in the public offices will authorise, by the enclosed communications, or abstracts of the Adjutant and Quarter Master Generals.[2] I have annually taken upon myself, the responsibility, (tho' unauthorised by law) of preventing the great loss of public arms to the state, consequent upon the failure of officers to make their returns, according to law, of the strength of the militia, by annexing my own certificate to the yearly return to the general government, increasing the *actual* number returned to the Adjutant General's office, varying from ten to fifteen thousand, which accounts for the quantity of arms placed to our credit, above our aggregate strength, as returned by the state officers. Finding delinquencies in this respect so common, and all returns so extremely defective, would it not best subserve the interest of the state, to authorise the Executive of the state to make his annual return to the United States upon the best information he may be able to collect, without being compelled to rely upon the State Adjutant General's office for information? It is believed, that the action under the act of the last legislature, relative to the distribution of the public arms, will do justice to all parts of the state; but, it is nevertheless certain, that so general an expectation, as has been excited, with respect to being furnished with public arms, cannot be realized. A majority of the counties in the state, have scarcely felt any of the benefits of the system;

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[1] Indiana *Senate Journal*, 1829-30, pp. 241-42. The enclosure is printed from *ibid.*, 422-24.

[2] The report of the adjutant general has not been found.

and it is equally certain, that all never will, or can be gratified, under the present organization of the militia.

I am, sir, Very respectfully, Your obedient servant,

J. BROWN RAY

[Enclosure]

OFFICE OF THE QUARTER MASTER GENERAL,
January 12, 1830

The Quarter Master General submits to the governor an abstract of the records of this office, the same being the only information, in his power to give, touching the quantity of public arms, in the state, and the manner of their distribution.—Previous to the year 1826, it is believed no record was kept either of the amount of public arms or the manner of distribution thereof—consequently this office affords no evidence upon either of those points, prior to the 16th of May, 1826, except the returns of Major Generals commanding the 1, 3, 4, 5 & 6 Divisions, and of the returns of the Major General commanding the 3d division, professes only a return of the amount of public arms in one of the two brigades composing that division, and the return of the Major General commanding the 4th division is also imperfect in the same extent. The brigades from which the said commandants of division state no returns have been received on [are] the 13th and 7th. The returns of commandants of division here alluded to, were made under an order issuing from this office, in obedience to law, on the 22d May, 1827. Those returns develope the following facts, to wit: That on the 12th November, 1827, there were in the 5th division public arms as follows, viz: 5 six lb. field pieces—3 travelling carriages—3 lumber and ammunition boxes—5 trail handspikes—4 rammers—3 sponges and caps—4 ladles and worms—3 tompeons—5 implement straps—4 water buckets—20 bricols and ropes—3 sentstocks—3 tin tube boxes—3 tin port fire cases—3 artillery powder horns—210 muskets and bayonets—120 cartridge boxes—140 sabres and belts—173 pistols—40 yeagers, pouches, and powder horns.

That on the 18th November, 1827, there were in the first division arms as follows: 118 muskets, 99 bayonets and belts, 95 cartridge boxes.

That on the 27th October, 1827, there were in the 6th brigade composing a part of the 3d division, public arms as follows, viz: 1 six pounder, 143 muskets and bayonets, 144 belts, 94 steel rods, 140 cartridge boxes, 26 swords, 120 rifles, 120 belts, 120 powder horns and pouches.

That on the 31st December, 1828, there were in the 6th division, public arms, viz: 48 muskets, 84 sabres and belts, 80 horse-man's pistols.

That on the 2d December, 1828, there were in the 4th division, arms, viz: 105 sabres, 105 pistols, 32 bayonets.

The records of this office furnish evidence that public arms have been distributed under the orders of your excellency, on and since the 16th May, 1826, as follows:

May 16, 1826—To capt. William S. Russell, commanding a company of Cavalry, in the 6th brigade, 150 horseman's pistols, 75 cavalry sabres, belts and plates.

To capt. Samuel Starkweather, commanding a rifle company in the 22d regiment, on the 29th June, 1826, 40 rifles, wipers and chargers, 20 bullet moulds and screw drivers, 2 ball screws and spring vises, 100 pouches and horns.

No document in this office discloses the division or brigade within which these last named public arms have been distributed. It is believed to be the 8th brigade and 2d division.

June 29th, 1826—To capt John W. Lee, commanding a cavalry company in the 20th regiment, 7th division, 15th brigade, 150 horseman's pistols, 50 sabres, belts and plates.

June 29th, 1826, To gen. James P. Drake, commanding the 12th brigade, 60 muskets, 1 screw driver and wipers, 6 spring vises, and ball screws, 20 extra flint caps, 60 cartouch boxes, and belts, 60 bayonet scabbards and belts, 60 breast plates.

May 16th, 1827—To capt. Bethuel F. Morris, commanding the artillery company, in the 40th regiment, 17th brigade 7th division, 1 six lb. cannon, with travelling carriage and accutrements, complete, 50 artillery swords and belts.

Requisitions have been made upon the ordinance department, as follows:

June 17th, 1828—In favor of capt. John Martin, of the 22d Regiment, for 1 bugle horn.

Same date—In favor of col. Jno. Spencer, commanding the 55th regiment, (presumed to be in the 10 brigade and 5th division) for 45 sabers, scabbards, belts and clasps, 45 pistols, the receipt of which he has acknowledged, and for arms and equipments for a company of infantry, 30 strong, the receipt of which he has not as yet acknowledged.

January 24th, 1829—In favor of the commandant of the 33d regiment, for 51 muskets, the receipt of which has not been acknowledged.

June 23, 1829—In favor of capt. E. H. McJunkin, of the regiment brigade and division, for 40 stand of infantry arms, the receipt of which has not been acknowledged.

Same date, in favor of capt. Scott, of the 55th regiment, (presumed to be within the 10th brigade and 5th division), for 20 muskets, 20 swords with belts and other apparatus complete, the receipt whereof, has not been acknowledged.

Same date, In favor of John Spencer, col. commanding the 55th regiment (10 brigade and 5th division presumed) for 1 piece of artillery, then in possession of gen. M. Stapp, of Madison, the receipt of which has not been acknowledged.

What part of the arms reported by major generals, as above have been distributed since the 16th May, 1826, this office furnishes no data from which to determine.

Respectfully submitted,

W. Quarles, Q. M. G.

Ray to the President of the Senate, Relative to Maps[1]

Executive Department, Indiana,
Indianapolis, January 13th, 1830

Milton Stapp, President of the Senate:

Sir—The governor of the state of Indiana, in pursuance to a resolution of the senate of the 12th inst. "requesting him to inform the senate which of our sister states, if any, have presented Indiana with maps, during the past, or any previous year," refers the senate to a report of the secretary of state, on the journal of the house of representatives, dated December 31, 1828, on this subject, in which he states, that all the maps which have been received in that office is one from the state of Ohio, of that state, and another from South Carolina of that state. Your resolution of yesterday, was also laid before the secretary of state, on which he remarks, that the above are the only maps in his office. There are in my possession, maps of the states of Virginia and Missouri, which were directed to the governor of this state, and received within the last year. I was also presented with a map of the improved part of the territory of Michigan by governor Cass, in 1826.[2]

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[1] Indiana *Senate Journal,* 1829-30, p. 251.

I have the honor to be, Very respectfully, Your obedient servant,

J. Brown Ray

Ray to James Noble[1]

Executive Department,
Indiana, January 20, 1830.

James Noble, United States' senator from Indiana.

Sir: I herewith enclose to you, "a memorial to the congress of the United States, for the benefit of certificate holders of forfeited lands, within the state of Indiana;"[2] "a joint resolu-

[2] Ray wrote to the President of the Senate two days later stating that he had deposited the maps of Virginia, Missouri, and Michigan Territory in the office of the secretary of state. *Ibid.*, 270-71.

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[1] Indianapolis *Indiana Journal,* February 24, 1830.

[2] An act for the relief of purchasers of public land, passed by Congress at this session, offered three alternatives to the certificate holders of forfeited lands: (1) the right of pre-emption of these lands up until July 4, 1831, by paying the minimum price per acre in addition to the amount already paid; (2) the right of completing the payment by paying the balance due in cash, subject to deduction of 37½ per cent prior to July 4, 1831; (3) the right within nine months to draw scrip for the amount paid on lands, provided price of lands did not exceed

tion relative to the western mail route, from Louisville in Kentucky, to St. Louis in Missouri;"[3] and "a memorial of the general assembly of the state of Indiana upon the subject of continuing the construction of the Cumberland road;"[4] in compliance with resolutions appended to the same: and with a request that the same may be laid before the senate of the United States.[5]

Very respectfully, I am sir, Your obedient servant,

J. BROWN RAY

Ray to the Speaker of the House, Transmitting a Resignation[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, Jan. 21, 1830.

ROSS SMILEY, Speaker of the House of Representatives:

SIR: On the 20th inst. I received the following letter of resignation from one of the prosecuting attorneys of this state, to wit:

INDIANAPOLIS, IND. Jan. 20, 1830.

JAMES B. RAY, Gov. of Ind.

SIR: By a late arrangement of the present general assembly, regulating and increasing the judicial circuits in this state, having been thrown into a circuit in which, by virtue of my unexpired commission of the third judicial circuit, I can no longer discharge the duties of prosecuting attorney for the state: there-

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$2.50 per acre, this scrip not receivable for lands thereafter bought at public sale. U. S. *Statutes at Large,* 4:390-92.

[3] See *ante,* 464n, for reference to a memorial on this subject and the navigation of the Wabash. The joint resolution forwarded by the Governor is printed in *Laws of Indiana,* 1829-30, pp. 174-75. The Assembly of 1828-29 had passed a joint resolution seeking Congressional action for establishing a stage and mail route on the line of the National Road. *Ibid.,* 1828-29, pp. 151-52.

[4] See *ante,* 450n.

[5] See *post,* 523-24n.

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[1] Indiana *House Journal,* 1829-30, pp. 417-18. The Senate was also advised of the resignation. *Senate Journal,* 1829-30, pp. 323-24.

fore, as a just and necessary accommodation to all concerned, I do cheerfully resign the balance of my unexpired term as prosecuting attorney of the third judicial circuit, that the vacancy may be filled according to law.[2]

Very respectfully, Your ob't serv't;

MARTIN M. RAY

Which I hereby communicate to the legislature.

I have the honor to be Yr. obt. servt.

J. BROWN RAY

Ray to the President of the Senate, Veto of a Bill[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, Jan. 28, 1830.

MILTON STAPP, President of the Senate,

SIR: I herewith return to the senate of the state of Indiana, An act to provide for the public printing, and for other purposes, without my signature, for a reconsideration, which originated in the senate, and passed both houses of the present general assembly. After maturely considering this bill and its tendency, my mind has arrived at a settled conviction, that it ought not to become a law of the land. The independence of the press and the low condition of our treasury, concur in its rejection. This bill makes an invidious and unjust distinction, in the mode of making public contracts. The public printing, as well as all other public contracts, should be submitted to a

[2] The state was divided into seven judicial districts at this session. There had formerly been only five. New prosecuting attorneys had to be elected by the Assembly in the first, third, sixth, and seventh districts. President judges were elected by the legislature for the sixth and seventh districts. Martin M. Ray was a candidate for president judge of the sixth district, but was defeated by Charles H. Test. Indiana *Senate Journal*, 1829-30, pp. 339-41.

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[1] A copy of the veto message was also transmitted to the House and is printed in Indiana *House Journal*, 1829-30, pp. 513-17. It appears in the *Senate Journal*, 1829-30, pp. 394-97.

fair competition, as is provided for by the laws of the state now in force; where competitors are not wanting, to do justice both to the state and themselves. The provisions of this bill are calculated to make the public printer the subservient instrument of the dominant party in the legislature, from time to time, who will have abundant inducements to sacrifice his independence, with every change of strength. The public printer may, or he may not, be the conductor of a public journal, so that the press may be converted into the exclusive engine of a party.

This bill ought not to pass, because the printing of the state, has hitherto been well executed, for a price *one third* less than it proposes to give; and it is believed, that it can again be performed, with every necessary despatch, and mechanical neatness and correctness, at the same rate. The undersigned, therefore, for these and many other reasons which might be urged, cannot consent to take several hundred dollars of the people's money yearly out of their treasury, to be virtually bestowed upon any man, without any consideration in return. The people have not called for the change contemplated, and cannot be interested in a project like the one proposed, if once sanctioned, to increase their taxes, and to corrupt the channel by which intelligence is enabled to reach their fire-sides.[2]

It is my province to add, that this determination has been influenced *in part* by a communication which was addressed to me on this subject by one of the present state printers, which is as follows, to wit:

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[2] The original bill made provision for the public printing on the plan hitherto followed, i. e., awarding the contract to the lowest bidder. The House amended it to provide for the election by the General Assembly of a public printer; one of the arguments used was that a more competent person would be chosen by this method. An editorial in the *Indiana Journal* contended that the Governor held the bill for a week and then, upon ascertaining that the printer of his choice [George Smith] could not be elected, returned it to the Senate with his objection. Indianapolis *Indiana Journal,* January 20, February 24, 1830. The Senate repassed the bill over the Governor's veto, but it was rejected in the House by a vote of 25 to 35. Indiana *Senate Journal,* 1829-30, pp. 397-98; *House Journal,* 1829-30, pp. 512, 513-18.

INDIANAPOLIS, Jan. 23, 1830

TO J. B. RAY, Governor of Indiana:

SIR: Previous to the third reading of the bill relative to the election of a public printer, and the regulation of the prices of printing, the following communication was submitted to the legislature:

TO THE HONORABLE, THE HOUSE OF REPRESENTATIVES OF INDIANA:

The undersigned, one of the printers for the state, understanding a bill is now on its third reading in your body, providing for the election of a public printer; and understanding also, that the prices, as set forth in said bill, have been greatly increased, from those now given, and having made great sacrifices in procuring materials to perform the work with despatch, and in a neat manner, and being aware in these times of pressure and difficulty, that the people demand of their representatives, as much economy as possible, I have come to a conclusion, having materials adequate to the performance of the work, to propose to your honorable body, that every necessary security will be given, even if amounting to fifty thousand dollars, for the performance of the printing for the next session, at the present prices, to wit: 25 cents per thousand ems; 30 cents per token for medium, and 35 cents for royal paper; and will further agree to perform the work in as speedy a manner as set forth in the bill now before your honorable body. The prices in the bill are increased about one third; and presuming the printing to amount at least to one thousand dollars, under my prices, (calculating from the amount of printing of last session,) by favoring my pretentions, the sum of *three hundred* and *fifty* dollars will be gained to the state, at the least calculation; and in the same proportion for a greater amount.

I leave the subject to the consideration of your honorable body, hoping, as a proof of my sincerity, my proposition will be recorded on your journals. If necessary, my materials can be exhibited to a committee that may be appointed by your honorable body, should you think proper to recommit the bill. I herewith present a specimen of the type on which I will print both journals, viz: "Judge Blackford's Address;" which, from its size, will be an additional saving in press-work and paper; and will bind myself to procure a new fount of type, of the usual size, for printing the laws; so that nothing shall be wanting to insure the work to be done, at least equal to the public printing of our sister states.

Respectfully submitted.

GEORGE SMITH[3]

INDIANAPOLIS, Jan. 23, 1830.

The above calculation was founded on the last year's printing; which as will be seen by examining the files of the auditor and treasurer, amounted to one thousand and twenty dollars, at the rates at which I proposed to do the work. But from calculation, founded on the increase of printing for the last few years, will be much greater. The printing for the year previous to the last, amounted to about seven hundred dollars; last year, one thousand; and this year, (the press-work on the journals being double by an increased number of copies; and reports, &c. being more numerous,) it will amount at least to thirteen hundred; and progressing in a like proportion, the next year's printing will amount to sixteen hundred dollars at least, at my prices; even should the laws not be revised—but there is a strong indication, judging from reports on the journals of this session, of committees, who state as reasons for not entering into certain measures, that it would be unnecessary, as the laws *will* be shortly revised. But going on the calculation of the work at the above price, which I think not too low, by adding one third more, as contemplated in the bill, the advance on my prices, will be *five hundred thirty-three and one-third* dollars. But should the laws be revised, as there is every probability, the printing would, at the least calculation, amount to three thousand dollars; so that, in that event, there would be a saving of *one thousand* dollars to the people. And I would here remark, that a probability of a revision of the laws, was an additional inducement for me to offer my proposition to the legislature: as the principal item of work would then be press-work, I propose to do press-work of the description that would be required on the laws, for 35 cents per token. I can get the best of workmen, to work at press for 20 cents per token, on the *description* of *tokens* set forth in the bill; which are less in white paper, *one quire* in every ten, than the tokens by which our present contract is governed. This would leave me 15 cents per token. This reduction in the quantity of paper in the tokens, I have no hesitation in saying, was completely overlooked by the legislature, as I said nothing on the subject. But Mr. Merrill who has always settled with us, can give information what he has allowed, which will correspond with the statements above.

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[3] George Smith was one of the proprietors of the first printing establishment in Indianapolis and of the *Gazette,* the first newspaper. He was born in Lancaster, Pennsylvania, learned the printing business in the office of the Lexington (Kentucky) *Observer,* and worked in Cincinnati and elsewhere before coming to Indianapolis in 1821. He published the first issue of the *Gazette* on January 28, 1822. Later this year (1830) this paper was sold to A. F. Morrison who consolidated it with his own paper, the *Indiana Democrat.* John H. B. Nowland, *Sketches of Prominent Citizens of 1876* (Indianapolis, 1877), 65-66. Smith and his partner, Nathaniel Bolton, again received the contract to print the laws of this session. They had printed the laws for the two previous sessions.

This is a plain view of the case, which I conceive it a duty I owe myself, and the country in which I live, and where my *all* is vested, to make. I also conceive it a duty I owe the representatives of the people, who sustained me in my proposition, (the bill having passed each house by a single vote.) I also conceive it my duty to lay these facts before you; as several gentlemen, I am well convinced, did not understand the nature of printing sufficiently to vote knowingly on my propositions. I make no charge against the legislature, believing them, as a body, composed of men, who are disposed to act with economy, and to go as far as possible in promoting the best interests of the state. But I do believe they were mistaken: and believing this, I have been induced to lay the whole before you.

GEORGE SMITH

INDIANAPOLIS, Jan. 23, 1830.

All of which is respectfully submitted.

I have the honor to be, Sir, Very respectfully, Your ob't serv't,

J. BROWN RAY

The Secretary of State to the President of the Senate[1]

[January 29, 1830]

HON. MILTON STAPP, President of the Senate.

In obedience to a resolution of the senate this day adopted, I subjoin a copy of the *adenda*, to the approval of the "act providing for the opening of the Michigan road."

"INDIANAPOLIS, IND. Jan. 29, 1830

"There are parts of this bill which my mind cannot sanction. The commissioner named in it I believe to be unworthy.[2] If it had come into my hands, at an earlier period of the session, it should have become a law, if at all, without my signature; but finding that the legislature is ready to adjourn without permitting it to remain in my hands five days, I cannot consent to the sacrifice of money it must occasion to retain it. Therefore I must yield to the necessity of settling the Michigan road question, so necessary to the public quiet and interest, even at the sacrifice of my opinions.[3]

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[1] Indiana *Senate Journal*, 1829-30, pp. 430-31.

[2] Noah Noble was named commissioner with power to let contracts for opening the road. In a letter dated February 25 and addressed "To the Public," Noble stated that he had incurred the Governor's displeasure during the election campaign of 1828 when, withdrawing his support from Ray, he worked with the Jackson Central Committee to expose his duplicity. Indianapolis *Indiana Journal*, March 3, 1830. See *ante*, 354-56n. Noble's name was substituted for that of another gentleman while the bill was in the House. It was asserted that the Governor was frequently in the lobby electioneering against the insertion of Noble's name and that after the bill was sent back to the Senate for its concurrence, the Governor sought to have Noble's name expunged and threatened to veto the bill if his name was retained. *Ibid.*, February 3, 1830.

"Signed JAMES B. RAY."

Respectfully submitted,

JAMES MORRISON.

OFFICE OF SECRETARY OF STATE, Jan. 29, 1830.

Ray to James Noble[1]

INDIANAPOLIS, IND. Feb. 25, 1830.

TO JAMES NOBLE, United States' Senator from Indiana.

SIR:—In looking over a late Washington City paper, my attention was arrested by an *official* attack made by you, upon me, which, considering the *manner, place* and *matter,* is so ridiculous and extraordinary, that the chronicles of human wickedness, slander, corruption, and malicious mischief, would seldom afford a parallel.[2] It is my right to ascertain and let our

[3] The Governor's action in giving his opinion of the bill called forth the ire of some of the members of the Senate. Mr. Linton submitted the following resolution: "That in the opinion of the senate, the power of the executive over bills, which pass both branches of the general assembly, does not extend to scribbling individual abuse upon them; and that the indulgence of such propensity in the case of the bill for opening the Michigan road, is not only an uncourteous reflection upon the discrimination of the legislature, but a manifestation of spleen unauthorized by the constitution, or official propriety." It was adopted by a vote of thirteen to five, whereupon John Ewing offered the following protest: "That Governor Ray, under the constitutional guidance of an observant discretion, is not justly adjudged; and that whatever may be the foundation of the remarks affixed by him to the approval of the bill alluded to, this house has no right to pronounce upon their validity, or propriety, without a full investigation, and that a decision, without such investigation, should not affect public opinion, in reference to the subject matter, in any particular whatever." He believed that the odium attempted to be cast upon the chief magistrate was unbecoming and unjust. Indiana *Senate Journal,* 1829-30, pp. 430-31.

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[1] Indianapolis *Indiana Journal,* March 3, 1830. The letter had appeared in the Indianapolis *Indiana State Gazette* on February 26.

[2] On February 4, before presenting to the U. S. Senate the memorials and joint resolutions of the Indiana legislature sent to him by Governor Ray (see *ante,* 515-16), Senator Noble stated that he was unwilling to

mutual constituents know the grounds of so flagrant and unprovoked an outrage upon me; and they will determine whether any justifiable cause is to be found in my conduct, either as a private unoffending citizen, or as the Executive of the State that permitted you to enter that consecrated chamber, where you now riot in the most wanton billingsgate, causing the reputation of the State to bleed at every pore, under the disgrace which you have brought upon it. If I had been so fortunate as to have a friend in the Senate from Indiana whose apprehensions of future conflict with me, were less active than your own, when you delivered yourself of your *maudlin, hallucinatory farrago* your vulgarisms would have been in some degree palliated; but that unbroken combination which has chained the people of Indiana, to the cars of a *few great* men, from the year sixteen, to the present time, possessed too many charms to be dissolved on my account. Your Senatorial privilege and your own *dear brandy,* have encouraged you to commit acts of aggression, which excite my pity for your condition, more than my contempt for your conduct. Who that knows you of late, seeing what you do and reading what you say, would for a moment doubt, that this gratuitous production of yours, is not one of the pestiferous fumes of a previous nights' debauch, in

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submit to the imputation that the Governor in his annual message had cast upon his course in regard to the land question. He claimed that the Governor had tried to stab his reputation and humiliate him before the people. *Ante,* 479. He then went on to review the position he had taken on the land question—that by the compact between the states and the Federal government and by the existing laws, the latter rightfully owned the public lands within the limits of the new states. He was anxious to see the day when the title could be relinquished to the states either by gift or sale, but he could not agree with the principle that the general government had not the rightful title to its public domain. (William Hendricks, the other Indiana senator, believed the title to the public lands was rightfully vested in the states where the land was located.) Noble also asserted that he considered Governor Ray to be a political demagogue, a hypocrite, and time server, who had endeavored to stab him in the back. The speech was not printed in the *Congressional Debates* but it appeared in the *United States Telegraph,* published at Washington, and was reprinted in the Indiana papers from that source. See Indianapolis *Indiana Journal,* February 24, 1830, and other papers of that approximate date.

vexatious fortune at cards, *whiskey* and pleasure; or the hypocondrical imagery, of the dark side of fortune, rolling in appalling magnitude, in the day dreams of a distempered imagination? Who that knows you best, sir, either at home or at Washington, will not agree with me, that brandy has been knawing at your liver so long and constantly, that your whole system has been experiencing the most frightful paroxisms, and that your head has not been exempt from the general inflamation of all its parts, which has, in spite of all your efforts to regulate its crazy machinery betrayed you; and which has created such a suspicion of your *approaching* insanity, that what you say is harmless, and that you are entitled to no other notice than your dignified office *ensures* to you. From what I know of James Noble personally, and from what I believe the public know of him, if he was not *where* he is, my feeble pen would have remained unemployed, and my tongue silent, under his dastardly attempts at defamation. If you were stripped of your office, sir, and standing naked before your country, upon your *present merits,* should not, *foriter in re,* the long and *black* catalogue of your public and private malversations, assign you a place lower than ought to be allotted to even a dealer in scandal? The repeated displays of the "hypocrite," one of the epithets which appear familiar to you, and better understood by you in practice, would shine forth so conspicuously in your conduct, as in a short time, to complete the catastrophe, *par excellence.* And now, sir, having expressed my opinion of you as a man, permit me to tell you, that though the *pill* which I am about to administer to you, will not be rolled in honey, still, it shall be free from the *worm-wood* and the *gall.* Although, in your great abuse of poor human nature, by your *general* career in dissipation, it is not probable, that you have left a single redeeming virtue unslain; yet, your seniority in years, and your relation to the state whose interests lie nearest my heart, may avert for the present the impendent exposure, of a secret character, which charity alone has hitherto concealed from public view.

It is not less surprising to me, than it is unprecedented, unfair and ungentlemanly, that you should obtain your own consent, as well as that of others *permissively,* to make the Senate of the United States, an *ex parte* theatre for abusing an American citizen, six hundred miles away from the place of the putrescent explosion. If you, had any thing to say, or do to me, sir, Indiana is the proper place to settle all personal affairs, and one would suppose, that ungovernable as your passions have become, under the influence of intemperance, and proud and haughty as you have grown, by your past revels on the *"bonne booch"* of the city, that you still in the midst of your ruins, possessed discretion enough, to suppress your passions, until you returned home, and placed me upon *equal* ground with you. The propensity which you manifest, to take all advantages of an antagonist, appears to be a notorious family failing, and is as dastardly a conduct, as to hurl the deadly missile, from behind some safe retreat or breastwork.

It now remains for me, sir, to review your late speech against me, and to prove that you have triumphantly succeeded in adding to the numerous stains already fixed in your character, that of a FALSE ACCUSER. This charge has been recorded against you already by a man who holds a station similar to mine, in a western state, and it now becomes my duty in self-defence, to join him in testifying to this capital foible in your character. Should I stand still and suffer you to promulgate to the world about me, those things which hundreds, as well as myself, *know* to be *untrue,* my conscience would convict me, of an almost unpardonable omission of duty, besides the countenance which your licentiousness might receive, for the lack of a suitable corrective.

On the 4th inst. it appears that on your presenting to the Senate, a letter from me, enclosing to you, certain memorials of our last General Assembly, at their special instance, forwarded to you in the faithful performance of my duty, with a respectful request that you should lay them before the Senate, you broke forth in a strain of bitter invective, uncalled for by the occasion or by the letter, which requested you to perform services highly important to the state, and in the course of your remarks, exhausted your small stock of epithets, upon my humble name. Had I not a right, sir, and was it not my duty, to send you that letter, and those memorials? If I had not so acted, I should have been liable to impeachment. The interests of that country which has given to you and to me our offices, demanded it at my hands. Why you have, for this act, applied to me the general terms, "political hypocrite" and "political demagogue" and "time-server," and what instance of my life you intended to single out, you have not informed me. The motto which has guided my political life, sir, as you well know, is "principles not men," and I now challenge you, and your whole corps of parasites, to show *one* instance in which I have violated it. This is bold ground, but so confident am I, that I know what I am saying, that I throw down the glove. Although I am certain that my opinions of any of the great leading *measures* of our country, have not experienced any change, (the assertions of my enemies who appear to *know my mind better than myself,* to the contrary notwithstanding;) yet, I am not one of those who think it *dishonourable* to change in opinion when error becomes manifest, but think it praiseworthy. Indeed, I believe that political opinions must change in the process of time, to keep pace with the rapid growth of a country like this. Neither politics, law, nor a moral code, is so perfect as to bid defiance to mutation. It would have been desirable, had you affixed some definite meaning to those terms, with which you entertained the Senate, and you would have shown some regard for those around you, however destitute of a sense of justice towards the object of your malevolence. The word "demagogue" is a Greek word derived from *"demos"* the people and *"agogas"* a leader, and would mean a leader of the people. Now, I have nothing to say to this charge, further than to inform the Noble General, that I have never had the vanity to suppose that I was a leader of the people; but it ever has been my highest ambition to please them by faithfully serving them, and my greatest pleasure to bow to their sovereignty. But, oh! says the general, the definition of the word implies a leader of the "rabble." Now, if this definition be correct, we cannot have a leader without a rabble. Well: who are the rabble in this country? Are they the farmers and mechanics? These men constitute the bulk of my friends. Have I ever mounted a hobby at any of my numerous elections in Indiana? or have I not stood upon what the people thought of me, ready to stand or ready to fall, with calm resignation? Sir, I wish you to know that unlike yourself, I serve a set of fixed principles. Do, compare your own life with mine by this rule. If you must make MEN your standard of political orthodoxy, let me ask you if you remember the time when you rode through the counties in the White water country, abusing John Quincy Adams with all your fine store of classical epithets, such as "Old Goldfish Yankee" &c. &c. After which, you were no sooner warm in your seat at the City the same winter, than it became convenient to procure the appointment of certain *brothers* to land offices, &c. and you immediately took shelter under the healing wing of the "Old Yankee." "Men who live in glass houses, should not throw stones." This is but a small portion of your history, as it respects your consistency about MEN. It was but a short time after the last election for Governor, that I was in Brookville, when finding that my election was certain by a great majority, you tended to me the hospitality of your house, and assured me that you had supported my election for Governor, and had voted for me. Well, sir, did the blemishes in my character exist prior to that? Now you say all manner of evil things about me. Then, you never change. But, sir, permit me to inform you that I did not believe your professions of friendship at the time; for you had during the canvass, contrived to set those to abusing me, who have always appeared as noses of wax in your hands. No, sir, I could not confide in your asservations, for I knew your hostility had existed too long, and was too deeply rooted, to *wish* my success. When I commenced practicing my profession, in the town where you lived and now live, twelve years ago—a young man, without any person or property to recommend me, you exerted all of your powers to destroy me, and you continued your opposition, both at the bar and before the people, though they on all occasions declared against you. You were the powerful, in a small circle and carried all before you, like the whirlwind. When I look back, I wonder how I ever breasted the torrent. But, sir, the honest yeomanry of the country, have stood by me and baffled all your efforts. Although I have not enjoyed those early advantages which others have abused, and which with you have only served as an incentive to every kind of vice, I have stood exclusively upon the rectitude of my conduct and intentions; and I believe, that it is more than you can do with all your notorious powers of intrigue, and low cunning, with your boasted large family connexions, and with your combined associates, to steal from me the good opinion of my fellow-citizens and the hard earnings of my life. Of this, you must be admonished by the failures of those repeated attempts which you and those in league with you have often made.

The following is a specimen of the late slanders of your crazy tongue, from your own mouth: "This governor Ray, had not long ago, through an erroneous judicial opinion, when a man was compelled to pass through the borders of the state, in consequence of freshets produced by high rains, declared that the slaves he carried with him were free and entitled to all the rights of freemen; in consequence of which unjustifiable procedure, the individual was deprived of his property, which he held under the laws and constitutions as they now stand." Now, sir, you must bear with me, whilst I tell you that in publishing the above, you have deliberately and of "your own malice and aforethought," told as certain a falsehood as ever eminated from the lips of a demon. A man that knows so little about the jurisprudence of his own state, and a senator too, as to assert that the governor had power to give judicial opinions, and set slaves at liberty under any circumstances, is too ignorant to mingle his councils with the most august body of a great and free nation. Our courts alone have this power. But such an opinion as is insinuated, was never entertained, much less given by me as an individual. As far from this is the fact, as light is from darkness; for it was directly on the other side. During the last winter a citizen of this county and a slaveholder, dis-agreed about the liberty of some slaves. They concluded to refer the decision of some abstract principles to me, entirely disconnected with the *facts* of the case, both parties aiming, as I supposed, to do what duty and law enjoined. After being repeatedly importuned by both parties present to say what the law really was, I gave them the following fire-side opinion, to-wit: "That if a person should be actually emigrating through the state, from one slave state to another, his slaves could not thereby claim their freedom; but that if he left a slave state and entered a free one, not as an emigrant, but with an intention of making his slaves serve him, as such, in a free state, they could rightfully claim their freedom." The facts, I had nothing to do with. This is the law of the land and cannot be successfully impugned. There are hundreds here, who heard me give the same opinion when called on as a witness in the case.[3] Now, sir, what will those senators think of you, whose minds you have aimed to poison, by this slander, when they read my real opinion; and behold your Parthian arrows lodging in your own bosom and drinking your own blood. They will say, *"Let him die the death of the wicked, for his latter end must be like unto theirs."* I will now dismiss your negro allusion, and return again to yourself.

You seem to think that I made a thrust at you in my last message, in the course of my remarks on the right of the state to the vacant lands within her limits. Your name, sir, is not once mentioned in that document, and unless you had considered yourself guilty of some mighty misprison in your office, or as if you had abandoned some great state interest, you could not have considered yourself as pointed at. But truth will find its way to the hearts of the guilty. You know, sir, notwithstanding your late denial to the contrary, that you did last winter refuse to obey the instructions of the legislature, and virtually declared yourself independent of the same on the domain question. It is in vain for you now, to attempt to explain away your first conduct, and shuffle round to the support of the question, after you see public sentiment gaining in its favour, under a pretence that you *never change* your opinions, or in other words, as you are now a domain-man, *ergo,* you were always a domain-man. This will not save you now from the weight of that odium which ought ever to fall upon the head of the man, who will turn traitor to so momentous a feature of our republican institutions, as to declare himself independent of the legislature and refuse to obey their instructions, and still retain his seat. If, sir, you felt so pugnacious, at the time you received from me, the resolution of the legislature, as to bring you into collision with the best interests of the state, it was your duty to resign; and not continue, to lacerate at the same time the most sacred doctrines of our government and reputation of the state.

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[3] The reference is to the case of William Sewall vs. Nelly *et al.* which was first tried in the Marion County circuit court before Bethuel F. Morris, president judge of the fifth judicial circuit, and then in the district court of the United States for the Indiana district. Mr. Sewall had emigrated from Virginia with five slaves, and as he was traveling westward through Indiana he was detained near Indianapolis by high waters. Judge Morris ruled that since he had left Virginia, he had forfeited his citizenship in that state, and that he could not hold the slaves in a free state but must forfeit his property. See Indianapolis *Indiana Journal,* December 30, 1829, January 27, and February 3, 1830, for details and arguments used in the case.

The charges which you say I made against you, I know nothing about; but with your denial to the contrary, there is one thing which I do know something about, if the National Intelligencer tells the truth, and that is, that you did refuse to *obey* the instructions of the Legislature: the following speech of yours, made last winter in the senate, at the time the land resolution and instructions were introduced into that body, will stand before you as firm as Shylock's judge, and to your beard, proclaim, from your own mouth, your own condemnation. Hear him as follows:

"Mr. Noble proceeded to remark, that it would ever afford him pleasure to promote the views of the legislature of his state, but there were questions of policy, on which he could not consistently with his *declared* principles, OBEY the instructions of that legislature. If he was to be *proscribed* for such opinions, he could not help it, and was not much disposed to fear it.—His removal from office, and his removal from life, would create no great chasm in human affairs. He believed that congress would never assent to a relinquishment of the national domain to the states in which it lies." You spoke thus, with more arguments going to the same point. Say, if you dare, sir, that you did not use this language in the senate of the U. S., last winter; and deny if you dare, after this, that you did not refuse to obey the instructions of the legislature as above. And I wish you to say, from what quarter, you obtained information that I ever charged you, as you declare I did, in your "rounding to" speech the 4th inst., otherwise than I now confess and prove.

In conclusion, sir, allow me to marshal a few evidences of your malice and to shew your shallow devices to do me a deep and lasting injury, *"right or wrong."* Knowing that it was Judge Morris who gave the decision which set the slaves mentioned by you at liberty, you wilfully charge it upon me. Second, knowing that you have for more than ten years been my secret traducer you pretend to have suddenly discovered my foibles. Third, to obtain a pretext to palm your ancient grudges upon me, you falsely pretend, that I have charged you "with contending on the floor of congress, last winter, for the independence of the general government of the states and the people." Fourth, knowing that your ill will to me has principally grown out of former contentions, heightened by my preferring col. Kinnard of this county, to your son-in-law col. Russell, for representative in the legislature, the differences between your brother and myself, and political considerations, you try to make an impression that some new lights, as to my course, have lately burst upon your vision. Fifth, you denounce me in *general* terms, without specifying what particular act I have committed which is erroneous, thus attempting to throw your name and office in the scale against me, without giving me an opportunity of defence. Sixth, you labor to appear to be disinterested in your aim to rob me of my standing, and to make me the scape goat to expiate the supposed offences of others. You can point out my inconsistencies in signing certain land resolutions: but, you seem to know nothing about the legislators that enacted them under oath. You ascribe to me party views, when you know that I am an antiparty man, whilst YOU have caucused at home and abroad for party purposes. You say that I would desire your destruction; when you know that you have long since destroyed yourself, and were only saved from public censure for your antirepublican course on the land question, in not aiding your colleague to procure a cession to the state, by the fallen condition in which you were considered. Let me assure you sir, that you have *fallen, fallen, fallen,* as a man, and useful officer, by the influence of your obstancy, dissipation and your increased insolence by renewed favour, *from your once less ig-Noble bearing.*

Those papers throughout the Union which have published Mr. Noble's speech will it is hoped, be so just as to insert what is over the name of the undersigned: and partizan editors of Indiana, opposed to me in politicks, would perhaps do well to hold their peace until the controversy not begun by me, is ended. Fairplay is all I ask—and what I will have; and what shall be given to my antagonist.

JAMES B. RAY.

Noah Noble to the Public[1]

INDIANAPOLIS, 25th Feb. 1830.

In consequence of the signal disgrace of Governor Ray, occasioned by exposing his Handy letter, just before the late Gubernatorial election, it is well known to many of my fellow-citizens that I withdrew from his support immediately after the Jackson Central Committee published his dishonourable offer to *secretly* sell or transfer his *then* political friends to that party. For so doing, and for contributing as I did to the efforts of the Jackson Central committee, to expose his duplicity, it was my misfortune to incur his Excellency's most bitter displeasure.

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[1] Indianapolis *Indiana Journal,* March 3, 1830. Also in Indianapolis *Indiana State Gazette,* February 26.

The recent exhibition of his vindictive feelings by attacking me before the Legislature when from motives of delicacy I could not offer a defence—his unjustifiable attempt to have my name, as Superintendent, expunged from the Michigan road bill—and lastly, the prostitution and abuse of the Executive prerogative, for the purpose of fixing a stain upon my reputation by appending to the law slanderous charges, which he wished to enforce by an *official act,* must be well known to a portion of the public.

After having, through the intervention of the Senate, escaped the odium which his Excellency intended to fasten upon me, I had hoped the votes of censure passed on his conduct by that body, would have damped his ardour, and that he would have pursued me no longer. In this however my friends did not agree with me, but insisted that he would follow up the stroke with a newspaper publication. The late hour at which his man *Teague* was with his Excellency on Saturday evening last, seemed to augur that some plot was on hand, and the prediction of my friends has been verified, by the exhibition of an article, to many gentlemen of this place, in which his Excellency's feelings towards myself and brother are fully developed.

On the good opinion of the public, particularly those with whom I daily mingle, I place a high value, and so far as I may have deserved it, I cannot relinquish my claim, nor suffer Gov. Ray to strip me of it, without a struggle; I therefore request a suspension of opinion until I can see his piece and be heard.

My brother being competent to his own defence, it is with great reluctance that I speak of him, nor should I have done so, had the Governor not included us in the article he has been reading to many gentlemen in town. On this ground, and on account of his necessary absence from the state until the close of the session of Congress, I trust that I shall be excused for stating *how,* and *why,* he became obnoxious to the Governor. Last spring or winter Gov. Ray, in a pressing manner, urged my brother to become a candidate for Governor at our next election. Had he done so he must have vacated his seat in the Senate, and in that event, next winter, we should have had *two* Senators to elect in place of *one*. My brother was, however, so *obstinate* as to decline the Governor's *kind* offer. His Excellency being in the habit of executing his political plans *"peaceably if he can but forcibly if he must"* and supposing my brother would be a candidate again, concluded to step in the shoes of the Legislature, and cast a censure on him, and did, in his message, give him a thrust. Early in this month while presenting some resolutions to the Senate, my brother made it convenient to deny the truth of the Governor's charges and spoke of him very freely—this defence of my brother's the Governor now calls an *unprovoked attack* on him.

Respectfully,

N. NOBLE[2]

William Bruce to Ray[1]

BRUCEVILLE March 6th 1830

DEAR SIR This morning a petition was handed to me for my signature praying your Excellency to reprieve Peter Hollingsworth from the State prison to which he has been sentenced at the March term for Manslaughter in shooting Thompson Hollingsworth—

[2] Noble's communication was intended as an answer to Ray's letter to James Noble of the same date, printed above. Prior to its publication in the *Indiana State Gazette*, the Governor had showed his letter to several gentlemen in Indianapolis and Noah Noble had been told that it attacked both himself and his brother James. Noah Noble then prepared the above answer and gave it to George L. Kinnard, editor, on the evening of the 24th. The paper was due to come out the following day but instead it came out on the 26th and much to Noble's amazement he discovered that all the references to himself had been removed from the Governor's communication which appeared in the same issue. Noble then accused Kinnard of working a deception on him to make him appear before the public in an unfavorable light. Both communications were reprinted in the *Indiana Journal*, March 3, and Noble's letter to Kinnard in the issue of March 10, 1830.

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

It was with some reluctance that I subscribe my name owing to the petition not setting forth the aggravated circumstance that led to the unfortunate act.

I beg leave to state that I have lived about twenty four years a neighbour to the said Hollingsworth and that within little more than one mile, that he has uniformly supported the charrecter of a harmless inoffensive man, and one that interfers with no man but industriously attends to his own concerns, has made a comfortable living for his family and was living in credit amongst his neighbours before this unfortunate occurrence, which is as follows. it appears that a custom has prevailed from time immemorial, for young lads to assemble the evening before Christmas and new year and shoot from house to house for sport and passtime. the practice has continued until it has become alarming and the more reflecting part has endeavoured to discourage it. frequently it is completely riotous mobbs, doors is shot through with wadds windows is broken out creaturs shott and matters caried to great excess this has been the case in the present instance. The night before New Year sixteen or seventeen young men and ladds collected together for the purpose of amusement

But previously knowing that Peter Hollingsworth did disapprove of such proceedings, it appears that it was their intention to aggravate him as one acknowledg on his oath in my presence. For some years back when they or such parties visited his house by firing their guns he would rise and treat them to the best he had, but one evening after he had indulged them with the best cheer he had, when they started off they stole several of his bee hives robbed them of their contents and went away. from that time he would give them no countenance but has uniformly refused to treat under any circumstances. Altho ever year since they have beset his house and gave it consideral abuse by shooting wadds through his windows broke his glass, put orises [?] under his house until they gave way by breaking (which was a frame and not heavy) and threatned to upset it had a fiddle playd and fired around until their clamour was heard more than a mile. he came out ordered them away they would go for a while then return again until they terrifyed the family greately he then fired out of his window with a wad in his gun they made sport of him and directed him to fire again, he being provoked so much and so long (as they continued tormenting him for several hours) that he became determined to try the power of lead. they herd him driving down his ball, they ran off about 70 or 80 yards up the lane, he steped out of his house walkd across his garden and fired his gun amongst them in the dark and unfortunately shot the above mentioned young man through the body he died in a few minutes, much regreted as he was probably one of the most civil in company but it is the misfortune where civil people associates with ruffians they have to take their fare, and part of the company were young men (and those too that had direction of matters) that are as ill behaved and as disipated as it is almost posible to conceive. . . .

WM BRUCE

HIS EXCELLENCY JAMES B RAY[2]

Ray: Statement to the Public[1]

[March 24, 1830]

I shall not be hasty in believing that a generous and high-minded public will expect me to notice the *subservient truckling,* Noah Noble, who gave us a specimen of his detestable meanness, in the last "Indiana State Gazete,"[2] by his assault upon me, in the tripple character of an avenger, his brother's champion, and the supple instrument and elaborate of a junto of proscriber's for opinion's sake, who have lately unsheathed the sword, where they had power, in defiance of the Constitution and laws of their country, and threaten me with destruc-

[2] This letter is only one of a number of letters and petitions that were sent to the Governor asking clemency for the man. One of the letters bears the endorsement: "Oct. 12, 1830 . . . Pardoned, Ray Gov."

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[1] Indianapolis *Indiana Journal,* March 24, 1830.

[2] See *ante,* 533-35.

tion, for no other offence, than because I cannot, in the honesty of my soul think with them in politics and religion; because it is barely suspected I may be a candidate hereafter against certain gentlemen for certain offices, and because, acting with uniformity upon principles always avowed, I believe that the present administration of the General Government ought to be supported. A knowledge of much of this man's infamous conduct, will justify me in rejecting all of his subtle artifices, to engage me in an unfair controversy, with both himself and his brother, at the same time, until I shall have disposed of the elder and more powerful of the *couple,* the Honorable Senator. The notorious falsehoods contained in Noah's last week's nonpariel, will operate as a pretty safe guarantee to me in future, against his spleen. At a proper time, I intend to explain satisfactorily to the public, by a series of numbers, the *cause* of certain newspaper, secret, and *Legislative* electioneering against me upon party grounds; and *then,* I shall dispose of the brace of Nobles and all they may have said or written to ruin me, in a manner that will give satisfaction to every man, woman and child in the state.

> "What value were it, when a cur doth grin,
> For one to thrust his hand between his teeth,
> When he might spurn him with his *foot away*?"

JAMES B. RAY.

Robert Hanna, *et al.,* to Ray[1]

[March 1830]

TO HIS EXCELLENCY JAMES B. RAY Governor of the State of Indiana

We the undersigned would respectfully represent to your Excellency that at the March term of the Marion Circuit Court 1830 Daniel Clark was convicted & fined twelve dollars with costs for betting on a horse race. Although we much deprecate the practice of gambling & betting & think they ought to be discountenanced yet we do think Mr. Clark's case calls for the interference of executive clemency. Mr. Clark had recently moved from the State of Kentucky where the practice of betting on horse-races was not only tolerated, but much in vogue. Mr. Clark was entirely ignorant that it was an offense against our laws as soon as he was apprised that he had committed a breach of the law he returned the property to the person losing it. We therefore, should your Excellency remit the said fine of said Clark, will ever consider the act as a favor conferred upon a laborious & meritorious citizen.

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

ROBERT HANNA
[and 70 others]

I request a recommendation of the remission of a portion of the fine assessed against Landrun who lost the property won by the present petitioner Whatever has been or may be done in the case of Landrun, I believe ought to be done in the case of Clarke

B. F. MORRIS

[Endorsed:] Remitted, except $1.00—Remitted 5 April 1830 R[ay]

Charles H. Test, *et al.*, to Ray[1]

FT. WAYNE IND. 13th May 1830—

TO HIS EXCELLENCY JAMES B. RAY—SIR—

During the present (May) Term of the Allen circuit court Noweelinggua an Indian man of the Miamie tribe has been indicted, and convicted of manslaughter for killing Wishmah an Indian woman—or at least half Indian, & partly negro—[2] He claimed the Negro as his slave, and it is pretended by his people that their property in a slave is so absolute as even to authorize their taking the life of their slave where they are refractory & disobedient. Noweelinggua alledges that it was in pursuance of this law of their own—that he killed the woman—and that he did not know that it would be a violation of our law, if he should even upon our Territory take the life of the woman, or otherwise he would not have attempted it. The transaction seems to have taken place in Ft. Wayne within the jurisdiction of the Allen Circuit court— And while I have no doubt of his guilt under our Law, and the propriety of his conviction yet his sincere repentance, and having assurances that the conviction will operate as a warning to the tribe of the course they should pursue on our Territory, and besides will prevent the repetition of the offence. I would recommend Noweelinggua to Executive clemency and would be gratified that he should be pardoned of the offence.

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[1] ALS. ISL: Archives Division, Pardons and Remission of Fines.

[2] The name is given as Na-willing-gong and translated as Thick Neck in the *John Tipton Papers*. He was sentenced to labor in the state prison for two years. Vol. 2, pp. 265-66, 300-1.

Your obd. servt.

Charles H Test[3]

We the Associate Judges of the county of Allen concur in the above recommendation—this 13th May 1830—

Benjn Cushman
William N. Hood

We the clerk & sheriff of the said Allen circuit court concur also in the above recommendation—this 13th May 1830—

Robert Hood
Abner Gerard

[Endorsed:] Pardoned 18 May 1830 R

Ray to a Citizen of Greencastle[1]

[July, 1830]

Be pleased my dear Sir to present my warmest thanks to the people of Putnam county, to Col. Seigler, Mr. M'Nary, &c and tell our old friend M'Nary that WE SHALL ALL HOPE TO SEE HIM IN THE NEXT LEGISLATURE of this

[3] Test was president judge of the sixth judicial circuit. Allen County was in this circuit.

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[1] Indianapolis *Indiana Journal,* July 21, 1830.

state. Mr. M'Nary made you a GOOD MEMBER last year, though there were some insidious attempts made to injure him. . . . The *good temper* and *affable deportment* of Mr. M'Nary gave him A STANDING IN THE GOOD OPINION OF THE HOUSE. . . . He is certainly a friend of the people. I wish you, Sir, to pardon me for writing you this letter, intended solely for your own eye. . . .[2]

I am, Sir, very respectfully your friend and obedient servant.

J. Brown Ray.

William Marshall, *et al.*, to Ray[1]

Brownstown 24th July 1830

Sir During the latter part of the last and fore part of the present year Jeremiah Brower Sawer Brower and John Brower Brothers who had resided in Jackson county in the vicinity of this place several years and who had acquired considerable credit and standing as traders and men of business from their forward punctuality and apparent honesty attempted to and succeeded through those means to obtain nearly three thousand dollars worth of property of the citizens of this vicinity under the colourable purpose and pretence of exporting the same to the Mississippi markets and to embark therewith into honest speculation on a credit until the present summer when they pretended they would return and discharge their debts They accordingly went to those markets where it has been since ascertained to the satisfaction of the public here and we believe the Browers sold their property all at a good speculation the profits of which placed them above the cowardly necessity of

[2] This extract was sent to the Editors of the *Journal* by John S. Jennings of Greencastle. In a letter to the *Journal* the last of July, Lewis H. Sands revealed himself as the recipient of the letter. He said he gave the extract to a respectable farmer to silence the report that McNary had disgraced himself and the county in the last legislature. Indianapolis *Indiana State Gazette*, July 29, 1830. McNary was re-elected.

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[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

avoiding their creditors for any amount they possibly owed But they never have however returned to pay nor have they paid any of their debts and have absconded It is understood the Browers were lately in the State of Ohio but is thot very doubtful whether will remain there long it is believed they may now probably be in the state of Pennsylvania The citizens have had good reason to believe and it is well understood and currently believed upon good evidence and the circumstances that the Browers intended some year's since to play off the *swindling* game upon the people by *fraudulently* obtaining under any colourable pretence or means however false all the property they could from the people and then abandon this country without intending to return or without leaving any property to satisfy any of their suffering creditors to the amount of several thousands of dollars If you will lend your Executive aid as Governor in the cause of justice to reclaim the Browers as fugitives from justice from the county of Jackson in this state so as to have them demanded and brought back and to be punished according to law the example may have an extensive influence in future on others and be accordingly gratifying to every friend of justice Such acts of *swindling* destroy public confidence and proportionably cripple our trade and commerce as the present act of swindling in the present instance of the Browers has already extensively done[2]

With sentiments of much respect we subscribe ourselves your friend and fellow citizens

Clark McAfee	William Marshall
Wm Williams	William Crenshaw
And C Griffith	G. Hart

His Excellency James B. Ray Governor of the State of Indiana

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[2] Governor Ray sent a writ to the governors of Ohio, Kentucky, and Pennsylvania for apprehension and delivery of the three men to John A. Crabb, agent of the state. It is not known whether they were found. *Executive Proceedings, 1816-1836,* p. 296.

John Vawter to Ray[1]

VERNON 16th August 1830

SIR I address you under circumstances truly delicate, not only as respects myself, But in reference to many of my countymen. Our long acquaintance, and the stations we have heretofore (each) filed, will afford I most confidentially believe, an apology in you mind for this communication. The late contest for Clerk and Recorder in our county has been long & sharp. I do hope the question may be put to rest by your Excellency, giving a Commission to him, who is authorized by Law to receive the same. It appears to me that the Law *is clear,* That the clerk must make his certificate conformable to the returns made to his office. And if so, Bramwell is made our clerk. If the returning officers ered, (of which I know nothing) their improper conduct might have been made apparent by contest, but no contest has taken place I have no dislike to either of the candidates, nor would I do violence to the feelings of any man in the county or attempt to influence you from a straight forward upright course. I consider Col Bramwell a very worthey man, and a friend of yours[2]

Respectfully yours

JOHN VAWTER

HIS EXCELLENCY JAMES B RAY

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[1] ALS. ISL: Archives Division, Recommendations and Appointments.

[2] A special election was held in Jennings County on August 2 to fill the offices of clerk and recorder made vacant by the death of James Stott. The voters were to choose a man to fill out Stott's term, which was due to expire February 24, 1831, and also a clerk and recorder for the new term. In one township the ballots failed to designate whether they were for the vacancy or for the new term. This led to a controversy between John Walker and William C. Bramwell, the former contending that he was elected for the remainder of Stott's term and for the new term, while Bramwell asserted that he had won the election for the new term. Walker was commissioned for the remainder of Stott's term, while another election was ordered for October to fill the vacancy for the new term. Walker received the highest number of votes in the October election but the result was contested by Maurice Baker and the election declared invalid. A third election was then ordered for November 23. Walker was successful in winning both offices and was com-

Ray to the Editor of the *Indiana Democrat*[1]

INDA. INDS. Sep. 1830

A. F. MORRISON, Esqr. Editor of the Democrat.

SIR—I discover, that you, amongst other Editors, have thought fit, to censure me, for omissions of duty, relative to the Michigan road lands. My customary forbearance, has lately been put to the test, in preserving as much taciturnity as I have, under the gross misrepresentation of my *private* affairs, but my station has inclined me thus far to suffer. These inflictions of wrong and outrage, severe enough for me to bear, are diminutive, in comparison, to assaults upon my *public* character. The man who charges me with Official delinquency, must expect to make his charges good. I now call upon you, sir, for the grounds of your editorial intimations, that I have failed to perform my duty; and at the same time assure you, that I have performed it to the last *tittle*; and in order to preserve the interests of the State have done some acts voluntarily. There is not a requirement in the law of last year, upon me, which has not been strictly complied with.

I wish to know of you, sir, whether you will editorially recal your statements relative to my delinquincy, or whether I must be forced to appear before the public myself, in my own defence? One or the other *must* be done. I have rights as well as others. Justice is all I ask, and is what I *will* have. This course is not dictated by any unfriendly feeling towards you; but, to seek redress. I will freely give you all the information, verbally, or otherwise, relative to this matter, in my power, if required. But, *explanation* is indispensable.—[2]

Resp'y. &c (*In bad health.*)

J. B. RAY.

(*"An early reply requested."*)

missioned for the new term on December 7, 1830. *Executive Proceedings, 1816-1836,* p. 485 and note.

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[1] Indianapolis *Indiana Democrat,* September 11, 1830. The first issue of the *Democrat* was issued on August 14, 1830.

[2] Morrison replied that the article in the *Democrat* of August 21 was

Ray to the Editors of the *Indiana Journal*[1]

INDIANAPOLIS, IND., Sep. 1830.

MESSRS. DOUGLASS & MAGUIRE:

GENTLEMEN, I have never had stronger evidence, to corroborate an opinion, long entertained, by me, that you had

intended only as a news item, giving information about the selection of the Michigan Road lands which the people were entitled to know and had a right to expect from faithful editors of a public journal, and that no criticism of the Governor was intended or implied. *Indiana Democrat,* September 11, 1830. Friends of the Michigan Road were anxious that the lands to be given by the Federal government for its construction should be selected before the public land sales were held in October. The Governor had been authorized to correspond with the officers of the proper department in Washington, but since no word had been received about the lands, his critics were prone to intimate that he had neglected his part of the correspondence. As a matter of fact Ray had written to the Secretary of War on February 10 and again on July 8. Receiving no reply, he addressed a third letter to the Secretary on November 1 asking if his earlier letters had been received. The correspondence and the Governor's defense of his position are printed *post,* 586-94. On December 9 Ray received an acknowledgment from Secretary of War Eaton dated November 24, 1830, stating he had forwarded the letters to the Commisioner of the General Land Office. No reply from the Land Office has been found. On March 1, 1828, Secretary of War James Barbour had written to Ray instructions about selecting and surveying the lands, and it is not clear why the 1829-30 Assembly had instructed Ray to open a new correspondence on the subject.

Meanwhile, John Tipton, Indian agent, had been corresponding with the Indian Office about the selection of the road lands and on March 3 had received authority to take two Indian chiefs and accompany the commissioners appointed by Indiana in making the selections. The party met the first of September and proceeded to make the selections from the lands ceded by the Potawatomi in 1821 and 1826. However, upon sending their selections to the General Land Office, they were informed that except for those that lay contiguous to the road through the Indian country, they could not be accepted, for the selections must be made from lands not yet ceded by the Indians. The Land Office held that the Indians had made a separate cession of land for the road, and the additional sections must come from yet unceded lands. *Post,* 597-601. Tipton appealed this decision and in the end Congress confirmed the selections. By this time some of the land had been sold through the land offices and substitutions had to be made. See U. S. *House Executive Documents,* 21 Congress, 2 session, 3: No. 85; *John Tipton Papers,* 2:250, 255, 302, 340-41, 366-67, 451-52; U. S. *Statutes at Large,* 4:473.

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[1] Indianapolis *Indiana Journal,* September 22, 1830.

formed a solemn determination, to misrepresent every act of life, to my injury, which a sense of common decency would justify you in noticing, as conductors of a journal, than in your late repeated attempts, to impose upon the public, for true, those things which you either *knew* to be *false,* or did not *know* to have any foundation for credit. It is well known (to you at least) that I will not suffer your journal to come into my house, from a belief, that it is unfair in its purposes, and unfaithful in its office, as a means of disseminating truth and pure intelligence.— But, one would scarcely have believed, that your malignity for even this cause, would have so far overpowered your small stock of prudence, as to have induced you, to seize upon my absence, occasioned, in duration, by bad health, to deprive me of that portion of my humble reputation, which has not been already plundered by the falsehoods, frauds, treacheries, combinations, and secret devices, of my enemies. From year to year, and from time to time, attack has followed attack, now by one fiend of envy, and malice, and then by another, until forbearance in me, is no longer a virtue. My relyance upon public opinion, to protect their officers, against such constant, gushing streams of calumny, pouring amain upon their heads, failing, I shall defend myself. And if all of the printers will not print, what I have to say, I must refer the people to the columns of such independent journals, as will. To stand mute, and suffer myself to be torn into pieces by a pack of blood hounds, is neither consistent with the laws of honor, or the dictates of reason and humanity. Falsehood seems to be piling upon falsehood, from grave charges of official delinquency, down to the sacred privacy of family affairs.

If you had enquired for information from the proper source, self respect, if not inclination, would have induced you, to have withheld the censures which you attempted to throw upon me, in some of your last numbers, relative to my agency, in preparing the Michigan road lands for sale. Your whole aim seems to be, to impress the public, with a belief, that I have neglected to perform *some duty,* which the law required to be done; but, you have prudently avoided telling the public, what that particular act of delinquency was; and for this display of tact, you had the best of reasons; it was because there was no omission of duty and *you knew* of none. I shall now avail myself of this opportunity, of informing the public, that you have imposed upon them, by telling them that I had neglected any part of my duty, as required by law, in respect to those lands: and I do at this time declare, that I have done every thing respecting those lands, that the law required of me, to the last *tittle*. For the truth of this statement, I am accountable to the Legislature of the State, and not to fault-finding Editors of Newspapers. It adds nothing to the credit of any Editor of a newspaper, to find him always prying into the official acts of those whose confidence he cannot acquire; and afterwards to hear him delivering opinions at whole sale, and censures at random, about matters that he is wholly ignorant of, is less so. It is enough for such meddlers to know, that nothing is done amiss. It is his province, to attend to his own business, and let that of others alone.

Trusting, that you will not deny your columns, to an individual you have assailed, I request, that the aforegoing remarks, may appear in your next paper.[2]

James B. Ray.

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[2] The editor appended a postscript to the Governor's letter which read in part: "In relation to our remarks on the subject of the Michigan road lands, of which the Governor complains, we have room to say but a word. In our observations on that subject our readers will bear witness that we treated him with all possible delicacy. We stated nothing but facts, for which one of the Commissioners then present vouched, and the most of which were previously known to the public. Nor indeed did we state all the facts of which we were in possession, our object being principally to show, what we knew to be the fact, that the Commissioners were not to blame, but were anxiously awaiting instructions in order to proceed to the discharge of their duties. . . . If the Governor has held a correspondence with the general government in relation to the selection of the Michigan road lands . . . why does he not furnish evidence of it? It is vain to attempt to divert public attention from his gross negligence by abusing editors, manifesting a disposition to muzzle the press, and blackguarding the public." See *ante,* 544n-45n.

Ray to the Secretary of War[1]

EXECUTIVE DEPARTMENT, INDS. INDA. Oct: 21, 1830

HON: SECY. OF WAR,

SIR: The enclosed paper, is respectfully submitted, in answer to your Communication, of the 1st. inst. on the subject of Canal Routes and Rail Roads &c, which I procured to be made, and believed to be correct.

I have the honor to be, Sir, very respectfully, Yr. obt. servt.

J. BROWN RAY

[Enclosure]

EXECUTIVE DEPARTMENT Octr. 23rd 1830

TO THE HONBLE THE SECRETARY OF WAR,

SIR, In obedience to a call from the War department of the 1st inst made to the Gov. of the state of Indiana, accompanied by a Resolution of the House of Representatives of the U. S. relative to Canal and rail road routes, in the state of Indiana, the following is respectfully presented.

The Erie and Wabash Canal, (so called and the only one in the state) the object of which, is to connect the navigable waters of the Wabash with lake Erie at the Maumee Bay, and which was surveyed under the direction of a corps of U. S. Engineers and by the authority of the state, Commences in the state of Indiana, upon the summit level in the vicinity of Fort Wayne, runs Eastwardly through the town of Fort Wayne, down the Maumee, on the south side of said river, to the line dividing the state of Indiana from the state of Ohio a distance of twenty one miles—with three locks—10 feet lift 30 feet fall, thence through the state of Ohio to the Maumee Bay.

The western section of the Canal commences at the first named point, runs a westwardly direction across the summit level, to the forks of the Wabash, thence down the valley of the Wabash, on the south side of the same to a point two and a half miles above the junction of the Tippecanoe with the

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[1] ALS. NA: War Department, Engineers' Letters Received.

Wabash river, a distance of 106 miles—22 locks 10 feet lift—220 feet fall, which being added to the eastern section, makes the whole distance of the Canal in this state, 127 miles—25 locks—

By an act of the last General Assembly of the State of Indiana, the Indiana board of canal commissioners, are required, during the present season, to survey and prepare the summit section of the canal line for contract, which has been done, except [illegible] their proceedings which the commissioners will lay before the next Legislature of the state. A sale of the canal lands took place on the first monday of the present month, which were donated to the state, by the U. S. by act of Congress to create a fund to prosecute said work. It is believed, the summit section of the Canal, will be put under contract next spring—the cost of the whole line of Canal in Ia. is estimated at $1,081,970—

We have no Rail Roads, or Rail Road routs established in this state.

There are two Turn Pike Roads established in this state, one by the authority of the Genl. Government, and the other by the authority of the state, which are now progressing towards completion; one is called the National, or Cumberland Road, which passes through the following towns, viz. Richmond, Centreville, Louisville, Raysville, Knightstown, Greenfield, Indianapolis, Terre Haute.

The Michigan and Ohio Road upon which the following towns are situate, viz. Madison, Napoleon, Greensburgh, Shelbyville, Indianapolis and Logansport.

There are other turn pike Roads, authorized by state law, to be constructed, but as yet only a small amt. of funds have been created, viz: A road from New Albany, to Vincennes, passing through the Towns of Paoli, Washington, and Hindostan, and a Road from Indianapolis to Harrison, passing through Rushville, & Brookville, for the completion of both of which, acts of incorporation have been given. The above is considered an answer in substance to your enquiries.

Respectfully, [No signature]

W. W. Wick, *et al.*, to Ray[1]

[November 9, 1830]

TO HIS EXCELLENCY THE GOVERNOR OF INDIANA

The undersigned represent that at the November Term 1830 of the Circuit Court of Madison County Indiana Amasa Makepeace was convicted of selling spirits by retail and fined two dollars. We further represent that the spirits sold were vended for the relief of a sick person & therefore we recommend to your Excellency to remit said fine. November 9, 1830.

W W WICK prosecuting attorney
ANSEL RICHMOND
HIRAM BROWN
C FLETCHER

HIS EXCELLENCY GOV RAY

I ask the remission of the above fine not with a view so much to save my money as for the sake of a principle which to me seems correct towit "That no man should be punished for an act done from good motives." Respectfully

AMASA MAKEPEACE

[Endorsed:] Remitted 25 Nov: 1830 Ray Gov. Morrison Secy.

Ray: Message to the General Assembly[1]

[December 7, 1830]

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES:

The auspices under which we are assembled, as the servants of the best of *Sovereigns*, THE PEOPLE, in obedience to the requisitions of a priceless written constitution, demand from each, a spontaneous tribute of profound acknowledgment, to an Over-

[1] DS. ISL: Archives Division, Pardons and Remission of Fines.

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[1] Indiana *Senate Journal*, 1830-31, pp. 9-32. Also in *House Journal*, 1830-31, pp. 10-36.

ruling Providence, for the numerous blessings of the year, which is just coming to a close. Whatever ministers to the happiness of mankind, in all civilized nations, abounds in our beloved country, in all that undiminished profusion, compatible with the simplicity of rational desire. Whilst health, plenty, peace and prosperity, in uninterrupted continuity, constitute prominent themes for rejoicing and thanksgiving, ourselves with our fellow citizens, may gratulate each other, in the conscious enjoyment of all, and raise a pean of praise to the Author of all Good.

The universal developments of the past year, at home and abroad, on this and the other hemisphere, are calculated to raise the whole human family still higher in the scale of creation, in their own estimation, than anticipation ever reached. Many are the indications that the era has just been ushered in, for the complete overthrow of the most hateful errors and deadly enemies of the world, and the triumph and spread of regenerated and reasonable principles, based in the enlightened philosophy of the age and the eternal rights of man.[2] Its great events have given birth to a *simultaneous* jubilee over half the globe, and planted deep in the thrilling souls of millions, a hope of deliverance, from long oppressions and the race of Kings. The Press has succeeded in convincing the *governed,* that they were not made to be *ruled jure divino*; but, that their rulers belong to them, as servants *jure humano.* The genius of liberty, from soaring triumphant with the Eagle and star-spangled banner of America, has taken her flight across the Atlantic, to career for a while, with the lilies and tri-colours of France. This celebrated flag, the emblem of *popular supremacy* and prostrate *royalty,* now waves unmolested over noble and gallant France. A *Republican Monarchy* is erected upon the ruins of the absolute throne of the Bourbon. A limited constitutional King sways a mild sceptre, and is now delivering lectures of practical freedom to Europe. Their force is felt, and neither the Alps nor the Pyrenees oppose barriers to their march. The spirit they breathe, has already shaken the dynasties of Europe from the little witless despotism of Brunswick, up to the iron throne of Nicholas. The Frank and the Hibernian, the Briton and the Scot, the Spaniard and the German, the Portuguese and the Netherlander, the Prussian and the Austrian, the Greek and the Italian, and even the cold Muscovite, are common worshipers at her shrine. Hope is strengthened by desire, that she may continue to brandish her blazing flambeau, until civilized Europe, and in time, the whole earth, are ignited with as pure a flame as now burns throughout the two Americas. Expressions of opinion at this time, by us, on these topics, will be both appropriate and encouraging, as they concern the cause of general freedom, and if things go on as they have commenced, (however much upon *moral* principles we may deprecate a general war) must ultimate in a signal manner, to the advantage of our agricultural and commercial interests.—The new French government has already proposed to reduce the duty on bread stuffs. But, when we look to France, and there behold a scene of glory, as enduring as the everlasting hills, in the four days successful struggle of her Parisian population, against the stubborn tyranny of their dotard King and his puerile ministers, and learn the fatal cause of the revolution, and see the companion of Washington and late guest of the United States, General Lafayette, in the very evening of his life, shedding a fresh lusture over his already mighty name, which rather outshines in splendour the acts of his more brilliant meridian, we shall feel rather the obligations of duty than inclination to apology, for the brief notice taken of this wonderful affair. What in the whole history of nations, can more excite our admiration, than to see a single city giving *liberty* and *law* to thirty two millions of inhabitants about to be chained down in the most odious and cruel despotism, slavery and debasement—preserving and new-moddeling a constitution with republican features—restoring the Press to its freedom—securing to the poor, privileges never before enjoyed on account of their misfortunes—separating church and state, and placing religious liberty upon a more firm basis than ever. (What a pointed rebuke this is, to the advocates of law-religion in our own country?) The news of this mighty revolution and its effects fall upon *us* at this eventful crisis of our history, with the sweetness of music; and will visit the republicks of South America, bleeding under their misrule and factions, and almost despairing of success, in consequence of their long civil wars, as a *Saviour* in the midst of their afflictions and wasting contentions, as the dew-drop upon the thirsty grass. Already have we seen the patriarchal Cincinnatus of the French and Apostle of American institutions, announcing the recognition, by that government, of the independence of the Southern Republicks—and Spain very soon, must now follow this example. Liberals throughout the world, will hail with raptures, their late acquisition of strength, and treat it as a sign of the times, ominous of the fate of absolute thrones and the fall of princes—of a change of sovereignty, from the usurpations of the *few,* to the natural and *political rights* of the many.— But whilst elated with the deep root which the representative principle has struck in the old world, we feel, commingled with our joy, a sensation of poignant grief, at the death toned voice, from some members of our own family, at war with our permanent and successful experiment of its excellency. It presses upon our notice, a subject of such sacred, awful and frightful import, as to mirror to the fancy, the germs of the downfall of this renowned Confederacy. With dreadful intonations, which grate and pall upon our senses, the cry of DISUNION has been rung in our ears—its value is undergoing a calculation by dollars and cents. As *union* is our *palladium,* so *disunion* is the fabled wooden horse, as delusive, and yet as fatal to *us,* as he was to the Trojans. If this monster is not kept without the gates of the city, the time will come, when armies will rush from its bowels, only to conflagrate, despoil and demolish the temple of liberty. *"The Union must be preserved"* has been nobly said: We will add, by the same *first* and *last* resort which bought it. In looking into the consequences of any attempt to separate the States, we see a train of horrors and follies so apalling in an hundred aspects, that one is ready at the same time, to *pity* the *weakness* and

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[2] Charles X had been overthrown as ruler of France, and a liberal monarchy established with Louis Philippe on the throne. The power of the working classes was greatly increased during the latter reign.

condemn the *wickedness* of him who publishes a sentiment so regardless of social and relative duty. The palpable impossibility of ever succeeding in a project so suicidical, to the welfare of this national community, heightens the insanity of the dreadful scheme, and must finally brand its advocates with marks of distinction more indellible than those which still remain upon the guilty and treasonable foreheads of the Hartford Conventionists. The constitution of the United States is a *compact* and cannot be renounced by a *minority,* without a direct appeal to the *ultima ratio* under all governments, the laws of nature, and original rights, regardless of every thing but force, from the *nullified* and broken obligations of the constitutional agreement. A state taking this course, must throw itself into a belligerent attitude, upon its own resources and strength. This extra-constitutional course, must impose upon the violating and revolting state, all of the responsibilities, which the safety of the balance of the parties to the cancelled compact, may think expedient to impose.[3]

Who is it, that cannot see the alarming picture, which might be here drawn, presenting civil war with all its calamities? Yet in view of all this, the doctrines of the right of a State, to secede from the Union for causes deemed sufficient, *by herself,* originating in an opposition to a fixed and settled policy of the *majority,* from which she dissents, have received a practical scope, from the gigantic efforts now making, by popular men and States, to enforce them upon the public mind as orthodox theories of the republick, which, on account of their fearful tendency, make it incumbent upon State authorities, at their threshhold, with counter opinions, to expose their fallacy. The United States' Government is neither strictly confederated or consolidated. The relation which the several States bear to the

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[3] The spotlight of the country was on South Carolina, whose Senator Robert Y. Hayne had declared that "States are independent sovereignties, that the Constitution is a compact to which the States are parties... and, that in case of a palpable, deliberate and dangerous exercise of powers not granted by that compact the States have the right to stop the progress of the evil." McMaster, *History of the People of the United States,* 6:51-56.

General government, beautifully exemplifies, (what has been maliciously denominated a monster in politics, by nullificators,) an *imperium in imperio*. Sovereignty is the atribute of the *one* as well as the *others,* according to the powers they respectively possess. A wise division of prerogatives to *each,* keeps *all* within their appropriate spheres. And in case of encroachment of either upon the other, it is not to be presumed, that there is no constitutional national Arbiter, to substitute law and order, for anarchy, nullification and violence. What a reflection is it, upon the fathers of the republic, to contend, that differences between the several members of the Union, about such great questions as commerce, manufactures, agriculture, and revenue, should be left for adjustment at the mercy of a *single* State? Or, that the laws of the *whole,* could be rendered powerless by *one,* or any less than a majority of the parties to the agreement? The charter would not be worth the parchment which contains it, and would be a fraud upon the citizen republican, if it recognised the right of *minorities* to rule *majorities.* The gordian knot of the Union, would sever with the breath of treason, if the *few* could enjoin the will of the *many.*

Let it be understood every where, that whenever the crisis shall demand it, the General Government will be called upon in the name of all the blood which was shed in the two wars for freedom—in the name of the illustrious dead and living who laboured so long and faithfully with the *pen* and *sword* to *form* and then to *perpetuate* the Union—in the name of the ashes which sleep at Monticello, Quincy and Washington—in the name of the patricidal, fratricidal and parricidal wars, which must in future, desolate our country, and in the name of the people and of God, to call all its various energies into active requisition, to preserve in the beak of the Eagle our favorite motto *"E pluribus unum,"* and the *constellation* of *stars,* and the escutcheon. But, first let the people of all the States do their duty, their Legislatures theirs, Congressmen theirs, by provoking each other to the broadest liberality, concession and compromise, with a view to a reconciliation of existing differences, in conformity with the principles of the constitution, and the rights of *all* and *each.*—

The same generous forbearance, may *preserve,* which *made* the incomparable covenants, if *all* desire it. To Congress the preservation of the ark is entrusted. What would please us, would be, to see Congressmen, fix their eye steadily upon the Union, and hear every matter which may be presented by any State, in the form of a grievance, *real* or *imaginary,* with patience and respectful attention, and decide upon them according to their *merits,* with sincere and honest intentions, and with a wisdom, patriotism and indulgence, becoming the weighty subject; and above all, unbiassed by the mania of party spirit, and unincumbered with those angry discussions, which have, as if *intended* to *widen* the *breach,* seemed to delight too much, in invidious and unprofitable comparisons of one section of the country with another, in crimination and recrimination for *political effect,* and denunciations of practices and men, that have long since been buried in infamy, oblivion or the tomb, by the laws of nature and retributive justice.

If the tariff imposing duties upon articles imported from foreign countries, of general consumption here, and not the production of our soil and climate or of the labor of our citizens, is too high, and if this is the ground of much of the excitement among our southern brethren, let it be modified by a prudent reduction. If the power so long exercised *constitutionally,* by the General Government, for the internal improvement of the country, has not done equal justice to the planting States, owing to their rigid construction of the federal charter; and this constitutes an item of complaint, let some plan be conceived by which they shall be placed on an exact equality with their sister States in all the disbursments of the national treasury. Some equitable rule for the apportionment of the surplus, may be easily found, such as territory and population combined. But, if our sister States in the South, expect us to abandon the fair and legitimate exercise of the numerous powers of express delegation in the federal constitution, by the national Legislature, and consequently the onward march of what is called, and understood to be, the "American System," or the employment of all the essential powers of the constitution, designed for the protection and encouragement of our MANUFACTURES, or the labour of our citizens, against independent foreign legislation or policy, and the application of the *means* thus necessarily accumulating at the treasury, to making roads and canals or improving rivers, as well as to objects on the Atlantic, of a national character, they are slumbering under a delusion, out of which, they ought, in good faith, to be at once awakened. These are twin measures, too cardinal, too deeply rooted in the expectations and interests of a vast majority of the people, to admit even of a *possibility* of their relinquishment. They must flourish or decay together. The politician of the West and of Indiana, who would not with all his powers cling to them, through all temptation, against influence, party, patronage or other cause, should soon read his fate in the ballot box, for abandoning the inheritance of his constituents in the common purse. Space here, will not permit an assignment of reasons, why we think the General Government possesses those powers, or why it is expedient to exercise them. We have no doubts on either point. And if we shall ever be compelled, by irresistable circumstances, to repeat our consent to an amendment to the constitution, conferring powers to the Government already there, for internal improvement and impost purposes, if the enemies to the system will then be quiet, we will undergo the trouble. To any "modus operandi," which may be selected, that will give us *Union* and these *measures,* we will acclaim. It is charged upon the friends of this policy, that they impose a *tax* upon certain quarters of the country, in order to distribute it in bounties among themselves. How this can be, when all parts of the country, are equally represented in Congress and consumers of importations, and producers, in nearly equal proportions to their population, is not discernable. Such sophistication, gives reason to fear, that there are *liberticides* in the land. I have received and shall lay before you, resolutions of the States of Pennsylvania, Delaware, and Louisiana, declaring that the Tariff of eighteen hundred and twenty eight, accords with the constitution of the United States, and is not injurious to the Southern States. Corresponding resolves are expected from you.[4]

The state, which ourselves and our constituents have adopted, within the past year, has presented many unequivocal evidences of a certain and increasing prosperity. The superabundant productions of a soil, adopted to the culture of both necessaries and luxuries, affording a sure forecast of the future, when agricultural science shall attain to more perfection, are acknowledged as a guarantee, that the country of our choice, possesses attractions for rich and poor, superior to most others. With such a surface, and the hardy, industrious, and enterprising population, already seated upon their own acres, and the powerful mass of emigrants which constantly throng our highways, in all directions, to settle upon the vacant lands, the most sceptical, cannot doubt as to the glorious destiny of the State. By the aid of a well regulated system of common schools, which shall generally diffuse a practical and useful American education to the poor, as well as to the rich, combined with more advanced Universities, with both corporeal and mental improvement as their aim, and an independent *voluntary* moral discipline, of the most *liberal* cast, she will soon take her stand upon the platform of equality, in numbers, mind, morals, and energy, with her most potent sisters. The history of the State, up to this period, will represent us, as strictly an agricultural people. But, by the aid of our natural outlets improved, and the artificial lines of communication in expectancy, we are sure to secure to ourselves extensive commercial privileges. And these, with the water power at our command, and fuel, combined with the culture of wool, hemp, flax, cotton, and silk, or the ease with which these articles may be obtained of our neighbours, may shortly add another branch of profitable industry to the common stock, in the growth and multiplication of *manufactories*. These necessary divisions of industry and sources of wealth, are sure to sustain the mechanical —the strong arm of all the departments of labour. To mechanical genius, most of the inventions of the distinguished last half century, owe their usefulness and fame. The power of steam and the lightnings of Heaven are controuled by it. The mechanick, will yet assume his rank, over indolence and wealth, and like Phideas, be honored in his profession. The farmer will have *his,* in defiance of all the artifices of the *nonproducers,* to make him *work* whilst they *play.* As the labour of the workingmen is the wealth of the State, however employed, whatever holds out a prospect of its reward, is a subject at all times, of the liveliest felicitation. The opening of the British West India ports to our shipping, thro' the prudent, skillful, and effective instrumentality of the President of the United States; the growth of cities in the United States; the increase of manufactures; the disturbances in Mexico, and Europe, and South America; the delivery of the commerce of the Mediterranean, by the French, from the humiliating and disgraceful vexation to which it has been so long subjected, abolishing piracy, slavery, and the demand of tribute from Christian nations, in Tunis, Tripoli, and Algiers; the arrangement with the Sublime Porte by our sagacious Administration, for the navigation of the Black Sea; taken in connexion with existing encouragement at home—must in a short time, cheer the farmer by their influence and ramify their pleasing effects, from Maine to Missouri, among *all,* but most in the West. Such events are, indeed, worthy of a place among the *memorabilia* of the age.

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[4] A joint resolution relative to the tariff was introduced in the Senate but was lost in the committee of the whole. *Senate Journal,* 1830-31, pp. 168, 229-30.

With such prospects before us, we are brought immediately to the plan of future operations, as is pointed out upon the map of the state, and in the chapter of our necessities. Our rivers, lakes and country, their situation and the advantages they hold out in perspective; our present, and increasing resources, the prosperity of ourselves and posterity, look to an early and prudently arranged system of State internal improvement, such as may be probably executed, as one of the most powerful auxiliaries to the attainment of every end within the scope of practical desire or accomplishment. By first arousing the attention of the people to its importance, *then* convincing their judgments, and *then* going to work with firmness, and in earnest, we shall be able to bring into the field, all the faculties of the State, for any factitious display of energy, coming within the range of general usefulness. Now is surely the time, whilst our State councils are undivided by implacable animosities or sectional jealousies, and whilst the spirit of improvement is in the land, whilst damages for privileges of way are nominal, and improvements unmade in many places, for the State to mark out to the public eye those essential lines of intercourse, which must by us, or by our successors, be made the objects of special consideration; and which, cannot in the common course of events, remain unimproved by a wise commonwealth. Our Wabash and Erie Canal, (or its substitute, a Rail Road, less expensive and equally valuable) on account of its utility, and the provision already accessible for its advancement, deserves to occupy the foreground in the progress of a more enlarged plan for internal improvement or navigation. This infant arm of our commercial prosperity and of hopeful promise, to the farmer, has already become the subject of a lively and general solicitude. Such are the public expectations and the delicate relations growing out of late fiduciary engagements, between the State and the land purchaser, that either a *forced* or *voluntary* suspension of this work, must be the cause of much public and private murmuring, besides the imposition of onerous responsibilities upon the State, not to be desired.[5] The State would be unworthy of her franchises, to give up this enterprise *now* with one hand upon the donation of lands already made; and the rich Miami reservation within the *reach* of the *other.* If the State of Ohio shall blindly refuse the undoubted advantages and donations of land tendered to her by the treaty of 1829, between her and Indiana, she will impose, through too much reliance upon her enterprize and magnanimity, consequences upon us, not less grieveous, than ruinous to herself.—[6] It will be regretted, if the absurd idea of canal rivalry, shall so successfully obtrude itself into the calculations of our sister State, as to form even an item of objection to the ratification of the compact. A refusal to unite with us, on this, or any other ground, however, to make the canal, will only leave her without the tendered bounty, and drive us to other expedients, not less sure, tho' more expensive. The canal route may be changed, so as to run through the Michigan territory, and north of Ohio, to Lake Erie. This furnishes us with *one* alternative, under the pressure of necessity, altogether possible in itself. Another is, that the ordinance of Congress of 1787, declares all navigable waters leading into the St. Lawrence, common highways, and that the Maumee is a navigable water course, and leads towards the St. Lawrence. Hence, it is free to all to navigate, and susceptible of improvement under authority from the U. S. This would be given, as a necessary consequence of the grant already made. So *here,* we have another. And if either of these designs should be found not to answer the end in view, we may *then,* as a *dernier* resort, but full of promise, in virtue of an act of Congress changing the terms of the canal grant, construct with its *products,* applicable to the whole line of survey, a *single Rail way* from the Detroit river, across the peninsula, to the Southern bend of Lake Michigan, thence to the Wabash river, thence to Indianapolis, thence to the Ohio river. By means of

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[5] Canal lands were advertised and 41,931 acres sold during October for $41,038; of this sum, $24,849 was received in cash and $2,771 in interest on the balance. The state had pledged the purchasers of the land that construction would begin by 1832, the deadline set by Congress; once a portion of the canal was under contract it was believed that the value of the unsold lands in the canal donation would increase materially. *Laws of Indiana,* 1829-30, p. 15; report of canal commissioners, Appendix B, *Senate Journal,* 1830-31. A memorial to Congress was introduced in the Senate praying for an extension of the time allowed for commencing work on the canal and giving the state the option of building either a canal or a railroad. It received considerable attention and passed the Senate but was tabled in the House. *Senate Journal,* 1830-31, pp. 184, 201, 212, 220, 323, 332, 337-38, 494-99; *House Journal,* 1830-31, pp. 390-92, 403, 451, 480. The text of the memorial is printed in the Indianapolis *Indiana Journal,* January 15, 1831. The Senate committee on roads went on record in favor of railroads over canals on the ground

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that they were less costly and more usable all the year round; five senators protested the report and urged commencement of work on the canal rather than a change of plans to substitute a railroad. *Senate Journal,* 1830-31, pp. 224-28, 494-99.

[6] Ohio had failed to ratify the compact drawn up by the commissioners of the two states. See *ante,* 496n.

such a facility, an outlet would be opened for the State, including the Wabash country, to the *northern* and eastern lakes, and the cities of New York and New Orleans, or the Gulph of Mexico and the Atlantic ocean.

The Kentucky Rail Road, terminating at Louisville, would seem to mark out the falls of the Ohio river, as the point of termination of the one through Indiana. Thus it may be seen, that the states of Kentucky and Indiana, and the territory of Michigan, may be united directly, in interest, upon a scheme of mutual benefit, which, by its truly national bearing, might calculate largely upon any amount of national funds, or lands, which might be found wanting, after the application of the proceeds of the lands already granted, to carry on the work. It might be calculated with some certainty, that by offering to the territory of Michigan, the same immense *boon,* which is now offered to Ohio, that she will complete that *part* of the said road, which runs through her territory. Indiana, with her grants, might complete what would be in her limits. Kentucky, Tennessee, and other States south of them, would doubtless do their duty, until the way should reach the Atlantic. An *cgress* and *ingress* from and to the lakes and seas, would be secured to us. The southern and northern Markets, and productions would both be thrown open to our trade. Whatever may be thought of this *ulterior* project, whilst the canal is *possible,* it must after *that* insist upon its strong claims to favour, by its national character, and the prospect of uniting several large States in its support, to secure to it the ample means of the General Government, after the payment of their debt.[7] It follows from the above picture, that the non-ratification, of the treaty, by Ohio, will only *cripple* us.

The canal lands, sold in September, averaged $1.70 per acre, creating a capital stock of $75,000.00. It is understood, that the terms of selecting the balance of the lands, have been adjusted with the United States, by the commissioners. It is also understood, that the canal commissioners, have had an Engineer employed this summer upon the summit level section of the canal. You are referred to their report for particulars. I will here add, that semi-annual sales of the canal lands will hereafter take place, by the existing law, unless the course Ohio may take with the treaty, shall make it necessary to suspend the sales, further up the Wabash, until we shall have concluded upon *other* and *further* operations.

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[7] The committee on roads, to which the Governor's remarks on railroads were referred, made a study of the probable cost of building a railroad in Indiana and arrived at a figure of $4,536.52 per mile. The cost of carrying freight by rail was estimated at $1.87½ per ton from Lake Erie to Lafayette, while the cost for the same distance by canal boat was estimated at $4.00 per ton. *Senate Journal,* 1830-31, pp. 224-28.

The national, and Michigan and Ohio turnpike roads, crossing each other at the centre of the State, our *next* most prominent works from which so much good is expected to follow, are progressing with as much rapidity, as is usual, in such cases. On the national road, the balance of the last year's appropriation, added to the $60,000.00, for the present, will be expended in grading, bridging and culverting the road about thirteen miles east and west of the seat of Government, at a cost of about $63,000.00, still leaving a balance in the hands of the commissioners. On the subject of this road, I will remark, that the whole western country, will have abundant reason to complain, under the cancelled obligation of plighted faith, if at this late period an unexpected, illiberal construction of the constitution, or other cause, shall stop *enlarged annual* appropriations of money by Congress, until it is finished according to the original survey, to the Mississippi.[8] The prices at which all the work is taken testify in favor of this being as favorable as any other time, for its progress, labouring low, and provisions cheap.

The Michigan road has been placed under contract, from Madison to Logansport. The contracts for this road, during the last summer, were entered into at high rates, compared to those of the National Road. More of the great loss we have suffered, however, is ascribable to the mistaken policy of the law of the last session, providing nothing but scrip, for payment, without any certainty as to time for its redemption, excluding the poor from any thing like competition, and placing the whole of the contracts within the grasp of the wealthy, than to the bad management of the Commissioner in charge of the road. But, if the Commissioner had notified the public, that he would have received proposals and made contracts with those who might take *large* or *small* given distances, for the *lowest* sum, many would have bid for the road, who were induced to put in their proposals according to his advertisement *by the mile,* and though they were the lowest bidders, in that way, were excluded, by the acceptance of *sweeping propositions* covering many miles in extent. The law already bad enough, by placing every thing in the power of the capitalist, was rendered still worse, by the practice under it. These contracts will remain as warnings to the State, never again to trust her credit in the hands of the speculator. When she *borrows* money, the only sacrifice is the interest. But, when she subjects her paper to the *mercy* of *shavelings,* if she escapes from their avarice with a loss of thirty per cent hereafter, she will do better than she has in the Michigan Road transaction. To the aforementioned laws, I gave my assent with the greatest reluctance, in a spirit of compromise common to Legislators, in order to drive the vexed question from the house, by fixing the point of termination of the road and save the State from further expense; but, I have regretted the sacrifice of my convictions, since, and hope to be more guarded in the future.[9]

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[8] The Governor refers to the possibility that President Jackson might veto appropriations for the National Road as he had done those for other internal improvement projects.

By a law of the last session the Governor of this State, was requested to correspond with the general government, and ascertain when, and how, the lands donated by treaty, and an act of Congress, to the State, to open the Michigan and Ohio road, are to be surveyed; and whether they are to be surveyed by the State or general government, and urge the immediate survey of the same, by the latter, &c. If the U. S. government undertook to survey the lands, he was also required upon that *condition* (and that *only*) to *notify* the commissioners when to proceed to the *selection* of the lands. If the U. S. *refused* to survey the lands, (then again and upon that *condition only,*) he was to *notify* the commissioners to employ a surveyor, &c. and not otherwise. In faithful obedience to this act, the Executive did, on the 10th February, 1830, open a correspondence with the Hon. John H. Eaton, Secretary of War, the successor of the Hon. James Barbour, with whom, by negotiation, the Governor had the honor, during his administration of that Department, of settling the *same* questions to the satisfaction of the State, now submited to the present Secretary, up to the spirit and letter of the law. After waiting for a reply, in vain, to his first communication, until the 8th of July last, the Executive then addressed the Secretary again, and in a more earnest manner than at first, on the same subjects in charge, but has received no answer to this. He has also addressed another letter to the Secretary of War, asking him to acknowledge the receipt of his *two* first letters, but he has received no reply to this. In due time, (June), he gave the above information to the commissioners, then at Indianapolis, relative to his having received no decision, as to the surveys, from the U. S. and in due time afterwards, (first of August,) after waiting as long as practicable, for the opinion of the War Department, to his second letter, he then gave his opinion through Mr. Hanna, one of the commissioners, to them, and afterwards by written communication to the board, that for safety, they might better proceed to the employment of Surveyors, &c. and to the execution of the spirit of the law, so as to prepare the lands for market, according to its provisions and intention. Copies of all these documents, I shall lay before the Legislature with *care.*[10]

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[9] After going over the papers and records of Noah Noble, contract commissioner of the Michigan Road, a majority of the committee on roads reported that they believed Noble had done his duty in letting contracts and that the course adopted and pursued by him produced a saving of the road fund to the state. *Senate Journal,* 1830-31, pp. 144-45. Noble's report to the General Assembly, dated December 11, 1830, is printed in *House Journal,* 1830-31, pp. 92-95.

This detail of facts, will shew to you, that there is something wrong some where; and it will remain for the War and Post office Departments, to explain the mystery. Yet, that the surveys and locations of the lands, made by the commissioners, will be good and valid, without any decision of the Secretary of War, or *notice* of the same to the commissioners, *with* or *without* an act of the Legislature to *legalize* (inasmuch as these were only preparatory steps, to the consummation of the main object, and of a ministerial and pecuniary nature,) is pregnant with many reasons. The commissioners have acted. They have surveyed and selected about two hundred sections of good land, and made their report thereof to the U. S. Land Office. They intend to survey and select the balance due the State, the ensuing season. They have also completed the surveys from Greensburgh to Madison, via Napoleon. The lands were prepared for your mandate to sell them. The terms established for the sale of the canal lands, are in a train of proofs, to ascertain their goodness. Their application to those, may be appropriate. In this progress, we have been visited with *surprise,* within a short time past, with a published opinion of the acting commissioner of the General Land Office, which would confine us, if possible in the location of those treaty lands, to the *exclusive* and *unceded* country of the Indians.[11] This course and such views, appear to be a remarkable and unaccountable departure, from the *lucid* and *emphatic* decision of the late Secretary of War, on the very same points. The grounds taken by Mr. Moore[12] in this case, will be found on the closest scrutiny, to be unsatisfactory, and sustained by neither the *letter, language* or *meaning* of the treaty. The position taken, that the road article forms "an *entirely distinct* and separate cession," will not stand the test, of a critical examination, of the treaty containing it. It cannot bear the touch of the knife of legal criticism.

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[10] The Governor's correspondence with the War Department is printed *post,* 586-95. He had refused to communicate any details of his

The article granting the lands, expressly determines these three essential *matters* of *fact,* so explicitly, as to forbid im-

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letters to the Secretary of War during the previous summer when he was under fire for his failure to act in selecting the road lands. See *ante,* 544-47n.

[11] The opinion of the General Land Office was transmitted to the General Assembly by the commissioners of the Michigan Road on December 10. See below.

[12] John M. Moore, acting commissioner of the General Land Office.

plication, at all, towit: 1st. It determines the *quantity* of land granted for the road—2nd. It determines the *length* and *breadth* of a *strip* of land for the road, and *names* the *two points between* which it must *lie*—3rd. It determines where the land or sections, for the whole line, from the lake to the Ohio, are to be located, by the significant words, "*Contiguous to the road.*" The WABASH and the LAKE are the *specified* points, *between which,* the *strip* and the contiguous lands, must be located. Now, this land must lie touching the strip or road, by the words of the treaty, (if good land can so be found) from one defined point to another; and how can it do this, if it is to be selected according to the new decision, ten and twenty miles *north* and *south* of these points, and thence inclining to the centre of the road? In making the agreement, the contracting parties, had in their mind, the enhanced value of the land, through its influence, lying in juxtaposition on the road, the *whole distance* through the country then about to be ceded to the United States as well as that to be retained by the Indians. With such understandings expressly carried into the treaty, *in plain English,* we shall feel justified in resisting any immature construction which shall restrict us to the benefits, only of a little more than half the road north of the Wabash, for the selection of our lands. And it will be matter of astonishment, if the Indians themselves do not concur with us in opinion, as to the object of the treaty. We might be charged with a disingenuous concealment of real feeling, were we not here to remark, that our dissatisfaction of this late procedure, is heightened, by the United States authority not giving to us an opportunity to be heard, in defence of our rights, *prior* to the sale of the lands which the state authorities had selected, in conjunction with an agent of the United States and several Indian chiefs, in the disputed territory. If upon the reception, of the authentic proceedings of the joint commission, at the Gen. Land Office, the lands to which both parties thought they had a right, had been *reserved* from sale, for the time being, for further adjustment, instead of peremptorily ordering them for sale, without notice to any officer of the State, and making it necessary for us to bring the question before congress, on a *claim* of the monies the lands may have sold for, we would have looked upon the transaction, as having a tender regard for the publick interest, not less than as the manifestation of common respect for opposite opinions and the people of the State.[13] We have already noticed, that the ground work of this decision is—that the article making the grant contemplates a separate cession out of the Indian lands, and not ceded by the main article, *because* the articles themselves stand as *separate* ones, in the treaty. This logic, if good, must control all the articles in the instrument, and rights growing out of them, and would prove too much to be admitted; because, it would overrule other decisions of the United States government, touching that same treaty, and rip up the already vested rights of individuals, under it, in the country ceded by the first article. What is to become of the reservations made to *individual* Indians and others, by *separate* and *distinct articles* from the main one, in the treaty? These have generally been *laid* and *ratified,* within the limits of the general cession; and not ordered to be sold. The grants *cannot* be distinguished, from the one for a road. Even the *plausibility* of the stand taken, is imperceptible; and to give it the appearance of such, the most latitudinarian constructions, at war with the *entire treaty,* all its *parts,* its *spirit,* and *context,* are resorted to.

One article possesses as much solemnity as another. All parts of the instrument have the same dignity and effect, having had a *simultaneous beginning, progress* and *maturity,* in point of *time* and *validity.* It must be interpreted, so that the whole will stand together in rational harmony. But, matters of FACT, settled, as in this case, are above the arts of construction. They speak for themselves. What has been said on this subject, is submitted to you for legislation, with a belief, that you will feel as willing as your Executive, to defend the rights of the State against injuries from *any* quarter; and in this case, coming from a source, I am happy to add, whose acts, in the general, are entitled to much respect. But, let us do our duty. Let us shew by our *acts,* that we are for *principles,* and not devotees of *men*—that we will at all times applaud and maintain what is *right* and condemn what is *wrong,* uninfluenced by party spirit. As long as this is the creed of the political church, the people and their servants may rejoice together. Conflicts of opinion then, will not be viewed as signals of war. But, when they sincerely occur, as evidences of honesty of intention, to cement in the crucible of investigation, the most lasting friendships, under the guidance of an unadulterated charity. Our land has been sold, but the money is ours. A sale of the undisputed selections will be requisite, to meet the expectations of contractors.

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[13] The Assembly took the same position as the Governor on the road lands and passed a joint resolution urging the Indiana delegation in Congress to procure from the Federal government an acknowledgment of the rights of Indiana to the lands selected by the Michigan Road commissioners, and also the right to locate the road by the most suitable and practical route. *Laws of Indiana,* 1830-31 (special), pp. 189-92. Congress confirmed the selections by act of March 2, 1831. U. S. *Statutes at Large,* 4:473.

The question respecting the public domain, is still unsettled. A graduation bill, in Congress, for the time being, is likely to supercede it. A reduction of the land of the U. S. down to one dollar, seventy five, fifty and twenty five cents per acre, making regular periods the standard of their value, would as well as aid the army of honest poor in the country, strengthen the Union, improve its treasury, settle down its floating population, and materially increase the finances of the States where the lands are: And even then do less than other nations have done and are still doing, for the citizen; and far less than the American deserves.

It would be useless to offer lands for sale at a less price than twenty-five cents. When they fall below that price, they should be given away, to actual settlers, under prudential limitations, as to time of occupancy, and number of acres. And how much of this kind of land *is* there, and how many unable to buy it, are known every where? We have some who inherit wealth, some competency, others nothing but poverty. And it is not unfrequently the case, that the most indigent, heads the most numerous offspring. How often are our sympathies aroused by the sad spectacle, of the heads of families, passed the grand climacteric of life, of twelve and fifteen children, wearing out their miserable lives in unprofitable tenantry, with no better hope than to procure bread enough to gratify the calls of nature. If such children and parents of misfortune, were permitted to occupy as their *own,* even the sterile and bleak districts of land, which no one at any price would buy, they would feel more like freemen. Yes, if their lands were too poor, to produce any thing but green grass, their situation would be infinitely more happy, than to be doomed to the homeless drudgery of a perpetual underling servitude. Open a door to a general freehold population, and the Government at once receives new strength, as a consequence of the attachment which all men have for a home. When this is the situation of the people, let external or internal commotions, arise; they will be irresistible in war, and as priceless as Fabricius against bribery or corruption. When the endearments of *home* and *family,* are intertwined together, in the heart of the citizen, and the preservation of *these* dependents upon the salvation of his country, he is then prepared to die for it. If such lands are valueless to the Union, then the cries of the needy, are the demands of *justice* and sound *policy.*

The Indians still abide among us. Here they are, wasting away, like the snow flake before the fervid rays of the sun. Give them the christian religion, give organic law, give them separate states in land, give them privileges and make them citizens, or appeal to the General Government to assign them a place of their choice beyond the Mississippi, in a country suitable to the chase, to which they may emigrate, *if they please.* To suppose that the barbarian with all his savage feelings and manners and horrific customs, can long exist in the heart of civilized society, without unpleasant collisions, is about as probable, as to expect a union between fire and water for mutual existence. One or the other must prevail, and it is not to be supposed, that the civilized will yield to the savage state. It would be the part of wisdom, to give them speedily, what must be fixed upon them, by the force of circumstances, in the ultimatum: But in love and without force.[14]

The Sunday mail question is still alive. Like other abstractions, not susceptible of being formed into law, *by us,* but bearing upon our rights or privileges, we may consider this a subject of legitimate notice. Still it should form no part of our purpose to diminish in the least that deep veneration which is so justly entertained for the christian Sabbath, or to insinuate, an unfavorable opinion, to the divinity of its institution. Few things which form a part of the social compact, human or divine, are productive of more salutary effects, in this world of moral evii, than a Sabbath, or day of rest and pious meditation. But, we wish to leave the *protection* of this sacred day, where we found it, in the hands of the Almighty, its divinity upon the testimony of the bible, and the punishment of its *violators* to *Him* who ordained it. If this is the Lord's day and of his appointment, it is under his *protection,* and he will preserve it. Let the mails run, until they are stopped by a higher power than Congress. If this body shall assume a jurisdiction over the sacred writings, on a *single subject,* the wedge is then entered, and there is nothing further in the way, to prevent them from taking complete cognizance of the *whole.* The *orthodoxy* of *this* and the hetrodoxy of *that* creed, would soon follow in the train of a fruitful source of new legislation, concerning the Scriptures. That system of Ethics, which will not stand *alone* and recommends *itself* by its own graces, without the whitewashes of the laws, deserves a tomb among the rubbish of other human follies. And that one which claims for itself perfection over all others, in the midst of an extended religious toleration, is not likely to escape suspicion for its presumption. It is the *natural* and *constitutional* right to *all,* to

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[14] A joint resolution was passed by the Assembly at this session instructing the Indiana senators and requesting the representatives in Congress to use their exertions to procure an act authorizing the complete extinguishment of the Indian title to lands in the state. *Laws of Indiana,* 1830-31 (special), pp. 180-81.

think as freely, as they please, without responsibility, and to act *under* it.[15]

It will become your province, at the present session, to lay off the State into new senatorial and representative districts. The usual difficulties growing out of this task, will be found to present themselves as almost insurmountable obstacles, among your best exertions, to do equal *justice,* and at the same time, give complete *satisfaction* to all the counties in the State. If you are governed in the formation of districts, by any *definitely* fixed ratio whether it remains as it is, or is increased, there are many counties which will be deprived of separate representative privileges, now enjoying them. The most satisfaction will, doubtless, be given, by rather leaning to a system of compromise, than to too close an adhesion to exact numbers. Owing to our prodigious increase of population, during the last five years, an increase of *members* in *both* houses, must be the consequence of *even* an increased *ratio,* which, in either case, to too great an extent, we are admonished by economical considerations and the representative principle, to be guarded against.[16]

Within the last ten years, we have risen in numerical strength, from one hundred and forty odd thousand, to about four hundred thousand. Such an unparralleled rise in so short a time will enable us to indulge the presentiment—That unless we receive an unforeseen check in some way, by the year 1840, progressing at the rate of the past, a million souls will live in Indiana.

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[15] A further expression of the Governor's opinion on Sunday mail is given *post,* 667-68.

[16] Reapportionment bills were introduced in both houses of the Assembly and much time was spent in considering these and in reaching an agreement between the two houses on a common bill. As finally enacted, the bill increased the number of representatives from 61 to 75, and the number of senators from 23 to 30. Representative John Zenor, who voted against the bill, wrote that "there was so great a variety of interests clashing together that it was impossible to procure a fair apportionment." Letter to David G. Mitchell, January 27, 1831, English MSS, IHS; *Revised Laws of Indiana,* 1831, pp. 503-4.

You may or you may not, make the Congressional districts, under the late census this session. You can form them subject to contingencies *before* the ratio bill is passed by Congress, or *absolutely afterwards.* Our new delegation will not be elected until August 1833. Perhaps it might be most agreeable, to form the State and federal districts at the same time, and be rid of the subject.[17]

Some steady and *uniform* mode of doing county business, throughout the State, is recommended, alike by its benefits, and the evils of the present one. What most appears to be the ground of complaint is—the different *kinds* of country tribunals within the same commonwealth. In some counties there are boards of justices, and in others commissioners. Such a diversity of *special* legislation in this matter will lead in time to a lamentable confusion.[18] After a while, by its institutions, one will scarcely be able to know when he is *in* the state or out of it. Legislation should always be *general,* producing *uniformity* in its effects; and opposition by *minorities* to the solemnly declared will of the *majority,* is no apology for *special* acts afterwards to commit havoc upon the beauty and order of a state system. At what point is the practice to stop? The examples already on our statute book, if persisted in, will in time produce a heterogenous and deformed polity, without comeliness, wisdom, or public security. The philanthropic exertions, making too, in some counties in the state, for the erection of asylums for the poor, upon farms, might induce the state to make them *common,* under the constitutional injunction. If an application were made to Congress, for the location of a section of land, for every county in the state, for such humane purposes, I flatter myself that it would succeed. Why not? If the lands are ours, and Congress holds them in *trust* only for us, surely we may dispose of them in our own way. And how could about two townships of land be better disposed of? Indeed there is much reason for making such applications for the domain, in all of the states bordering on the Ohio and Mississippi rivers, and could it be said by any of the old states, that this is another scheme for the western states aggrandizement exclusively? No—for the doors of these asylums would be open to the unhappy victims of misfortune, of every state and clime. Many a son or daughter of affluent parentage, in the old states, might, under adverse circumstances, have the tear of affliction dried up, in these nurseries of benevolence. The shores of our principal rivers, already vocal with the cries of distress, should answer the objection, that such grants would be of *local* benefit.[19]

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[17] The Assembly decided it was inexpedient to redistrict the state for Congressional representation at this time, and postponed the matter until the following session. *Senate Journal,* 1830-31, p. 155.

[18] It was true that there was lack of uniformity in county government at this time. Some counties were governed by boards of commissioners, others by boards of justices; some counties had recorders, while in others those duties were performed by the clerks of the court. An act regulating the mode of doing county business was passed and included in the *Revised Laws* of this session, pages 129-35. It provided for a board of three county commissioners in each county.

Applications are frequently made to the Governor, to fill vacancies, created, or supposed to be created, by the *absence* of officers. The length of *time* that an officer must have removed or absented himself from his office or place of residence, to constitute a vacancy, appears not to be specified by law. This is necessary. When an officer *dies* or *resigns,* there is no difficulty in filling the vacant place. But how long a man may absent himself before he abandons his office, is matter of *opinion.* The public sentiment is divided on this subject; and therefore the *time* should be fixed by law.[20]

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[19] The Senate committee to whom this part of the message was referred, reported a bill providing for the erection of seven asylums for the poor to serve the entire state. It was indefinitely postponed after being amended in committee of the whole. A House bill authorizing the erection of asylums in Wayne, Harrison, and Jefferson counties became a law at this session. A memorial was also introduced and passed asking Congress to grant one section of land in each county for the erection of asylums. *Senate Journal,* 1830-31, pp. 100-1, 115, 133, 136; *Laws of Indiana,* 1830-31 (special), pp. 6-7, 188-89.

[20] This question had been presented to the Governor on more than one occasion. Officials were often absent from a county for a year or more without notifying any responsible person of their plans. The Assembly took no action at this session on the Governor's recommendation.

In the present advanced and refined state of the human mind, in those governments which justly stand at the head of the civilized world, the propriety of inflicting capital punishments, is, from the experiments of by-gone ages, growing more and more questionable. The *right* of society, to take away life, and then the *policy* of doing so, *publickly,* though sustained by the hoary advocate of *Time* and *usage,* are among the most problematical of the settled practices of the age, which, have so uniformly received the acquiescence of nations. Shall the antiquity and universality of these customs, however, secure them against assault, and sanctify the doubtful reasoning which sustains them? Or, may we, under the lights of experience, teeming from all quarters of the globe, and as the disciples of all wholesome reforms which are improvements, venture to doubt whether they have not failed to answer the ends of this kind of punishment. It is true, that in taking life, all opportunity is cut off from the offender to commit other offences; but, this is only *one* of the objects which punishments design to effect. They look to a *reformation* of their victims, and to EXAMPLES to society, to deter others from the commission of similar crimes for which the criminal suffered. Are these designs to be consummated, by placing it *without* the power of the convict, to undergo the *one,* or by making him the instrument of a *finished burlesque* upon the *other*? Is the *brief* period between the *gallows* and *conviction* a *suitable* or *sufficient* time for the culprit to make his atonement, to his country or his God? Is not the day of public execution, one of *curiosity* and amusement to many, rather than one of lasting impression? Is it the *purpose* of the spectator, in travelling for days to such exhibitions, to learn his duty to his fellow-man, or barely to *see* one of his race hang and die? The answers, which the close observer would give, to these queries, would be such, as to make the supreme power of a State, pause to examine this question, in all its bearings.[21]

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[21] The Senate committee on the judiciary, after considering the Governor's recommendation for the abolishment of capital punishment, reported that they were unable to come to any satisfactory conclusion on the subject, and asked to be discharged. *Senate Journal,* 1830-31, p. 122.

Confinement at *labour* in the solitary cell, responds to *all* of the reasons for punishment, and has been found to be practicable without its supposed concomitants, madness, inhumanity, and gradual mortality. But what weighs most in arguments against life-taking is—that all men are *fallible* and some *corrupt,* and that when vitality is taken away from the creature through *either* of these infirmities, nothing but supernatural agency can again restore it. When the *perjury* of witnesses or the *frailities* of a court or jury shall snap the thread of life, there is no redress; but when through them other corporeal punishments are inflicted, or fines, or loss of estate, or reputation, or other injury, is the consequence, the wrong is not remediless. The conservative and remedial principles of our institutions, may cure all of the errors of society, but that of taking away life from innocence. When there is NO redress for such a cruel deed, with what a trembling caution are we bound, by every sacred duty, to guard against it, by law and practice. Whilst the *quo animo,* by which men *act* and are *judged,* lies concealed in its congenial microcosm and hidden from the keenest penetration, most attempts to arrive at a *certainty* with regard to it, must prove abortive. The actions of the correlatives, mind and matter, as being the interpreters of each other, are often treacherous. *Effects* are sometimes ascribed to *causes* which never produced them. Misapprehension and mistake follow. The scene closes with one of the primitive but *barbarious customs* of the early and rude stages of society, when even witchcraft was believed in by legislators and judges as learned as Matthew Hale; and life taken to appease the superstition of the law and judge.

At the request of the legislature of Alabama, I shall lay before you a memorial from that state to congress, praying for relief to land debtors to the United States, so as to allow pay for improvements on forfeited lands, and to suspend their sale, &c. This document has merits.[22]

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[22] The memorial is printed in U. S. *House Reports,* 21 Congress, 1 session, 2: No. 204. It is dated February 15, 1830.

I am also requested to lay before you, resolutions of the states of Connecticut and Georgia; the latter for, and the former against an alteration of the constitution of the United States relative to the presidential election. One of these states is averse to any alteration whatever. The other wishes such a modification of it as will give the election exclusively to the people, without the intervention of electors or congress.[23]

The secretary of war has forwarded to this state 179 copies of artillery and 2172 of infantry tactics, which are subject to such distribution as you may direct.

The various duties required of the executive, by several resolutions of the last general assembly, have been strictly performed, which will be made manifest to you at a proper time.

The same *economy* and improvement may be introduced into the probate system, by exchanging the county for a circuit probate judge, which *exempli gratia,* has distinguished the usefulness of the circuit over the county prosecutors. By making a competent judge his own clerk, and requiring a record to be procured and kept in each county, the business may be done for less and far better than under the present mode. The records of this court should display as much critical and legal accumen, as any in the state. There is none more important. And unless the proceedings are marked with strict accuracy, an endless litigation will grow out of them.[24]

Good faith and approaching necessity require, that the donation at Indianapolis should be sold to create a fund for the erection of a state house. The collection of materials for such a building as the state will have funds to erect, will be the work of considerable time. The balance of the land laid out in twenty acre lots, would be most likely to bring the most money. It is time that some definite conclusion was taken in this affair.[25]

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[23] The Georgia resolutions are printed in U. S. *Senate Documents,* 21 Congress, 1 session, 1: No. 33. The Connecticut resolutions do not appear in the index to the printed public documents of the United States. Ray transmitted copies of these resolutions to the two houses of the Assembly on December 18. *House Journal,* 1830-31, p. 129; *Senate Journal,* 1830-31, p. 109.

[24] In the *Revised Laws* of this session the system of county probate courts with a probate judge in each county was continued as set up in 1829. The original law was clarified but no important changes were made. *Revised Laws of Indiana,* 1831, pp. 154-80.

I feel myself bound again to digress, for the sake of opinions which I hold dear, to notice some attempts, by heads of voluntary associations, to undermine the grand superstructure of republicanism and overturn the first principles of the representative system, within the past season, in this state. Political heresies, if left uncombatted will soon fasten their fangs upon the object. The hydra should be slain in its own element, *in limine*. If "unauthorised bodies" are in future to usurp the *names* and *places* of their constitutional "compeers," and assist in regulating the state, or are permitted to usurp the *dictatorial* office, their evil practices and their creed ought to be rendered as harmless to the body politic as possible. It seems to be contended, in true federalist *sang froid*, that when a man is elected to office he becomes at once a kind of omnipotent being, and independent of the people—That the presumption at once attaches, that as he is selected for his *"talents"* and other merits, he is, therefore, above the *people*, the *law*, and the *constitution*. The inference drawn is—that it is contended an officer cannot acquit his conscience and at the same time serve popular whims and caprices. He must, to be useful, be *absolute*. This is pure aristocracy. It is the delusive theory wielded by kings to enslave the multitude. They take it for granted that the people at large are beasts of burden, and incapable of self government. *Our* new recruits to the doctrine, must act upon the same principles, to sustain the position—that the officer who will violate constitutional instructions, given to him from the legitimate source—either the people or the legislature as the case may be—on any point whatever, can hold fast to the people's office, a moment afterwards, and hurl defiance at the power who gave it. We have found with a vengeance, that we have those who not only contend for such notable notions, but those who practice them under license. This class of old side lawgivers, have yet to learn, or if informed, are too sinister to avow it, that there are few who will in these enlightened times, call in question that important maxim, "*that all power and authority are radically in the people.*" And it is becoming evident, that fewer will ever dispute it in time to come. To such as have not yet found it *convenient* to believe in these things, let me say— My soul come not thou into your secrets; unto your *assembly,* mine honour, be not thou united. Though *qualifications* in agents and other qualities, constitute a considerable item in support of representative government, in its favor, it is evident from the nature of things, that *convenience* and safety, are by far the most prominent inducements to its preferences of any other. The people are always safe in their *own hands,* with light.

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[25] The agent of state for the town of Indianapolis was authorized to lay out the remainder of the donation into lots and to offer these and other previously reserved lots for sale the following May. *Laws of Indiana*, 1830-31 (special), pp. 82-84. Another act appointed James Blake as commissioner to superintend the commencement of the State House. He was to purchase the stone and offer a premium for the best architectural plan presented by anyone for the building. *Ibid.*, 153-54.

All know that it is inconvenient for the people *en mass,* in pure democratical form, to act, dispersed over immense territories; yet it must be admitted, that they possess the CAPACITY; or they have not capability and sagacity enough to choose one to act for them. They retain in their own hands all powers not expressly named in their charter to be wielded by them, through their agents, and under their supervision. Surely, then it is their right to be heard and *respected,* in every thing which concerns them, in the administration of their government. And he who will not bow to the omnipotence of public sentiment—either in Congress or state Legislatures, or elsewhere—and suffer the people or their representatives to make him their organ, whatever may be his "*own former opinions,*" deserves a destiny as unenviable as that of the late Charles X. because he is as tyranical. The agent is employed by an election to do the people's business, and he must do it in *their way* and not in *his own,* or give place to those who will. He who consents to be elected to office upon *party* grounds, agrees to sacrifice his general independence, becomes a slave to opinions not his own, and *belongs* to *his* party; and like a late Kentucky

Senator, is bound to sacrifice the interest of his state to sustain the principles of a party, or be expelled from their ranks. He who is elected upon his *merit,* by the free suffrages of *all* parties, or by the people, without a party contest, is *free;* and may be *independent*—will feel himself under obligations to his *entire* constituents and friends, without *knowing* or wishing to *know,* where they stand in politics—is fettered by no foreign incumbrances; and may, like an honest man, act from his own views of *right* and *wrong,* and always be found on the side of principle, and the interests of the people at large. But no *mode* or *number* of elections, should ever withdraw the eye of the agent from the wishes of his constituents, or make him indifferent to the will of the *majority.* He who forms his opinion in *advance,* to *oppose* or *support,* any man, men, or party, without allowing himself latitude for reflection and investigation, puts his mental independence in chains, and his principles under the lead of a disciplined aristocracy. It is true, that when the popular will is fully and fairly expressed, in placing men in power, their acts should in every instance be supported—not as much on their own account as from respect to the power which created them—when their *aim* is honest and their *tendency* the advancement of the public good. But to make *men first* the nucleus of a party rendezvous and suffer them to dictate the measure at their own pleasure, is inconsistent with republican institutions. Measures *first* and then *men* to sustain them, *and none but such as will sustain them,* ought to be on the title page of the text book of the U. States' politicians. Schooled in this theory, peace and good neighborhood will again return, and deception be rendered more difficult. When *men* are presented as the rallying standard, we may behold a fine exterior—affable deportment—the gentleman—scholar—an intelligent face—elegant mien—traits of honesty—semblance of morality—and much more, to command our admiration; but, the seat of intention is still invisible; and we may woo and wed, at last, secret designs and infirmities common to man in his greatest perfection. But when *principles* and *measures* summon us to become their votaries—they are thrown open to our view unmasked—we can behold their very soul, their body and their end—we can examine them with our mind's eye, investigate their causes and effects, and probe them to the core—and when approved, we can embrace them as leaders that will not deceive us—that *cannot* desert us—that will live immutably amidst the jarring of party strife, to point the way to certain and glorious victory. *Men* must yield to *measures*—not *measures* to men.

Among the numerous subjects which a desire to avoid further prolixity, has induced me to reserve for your superior wisdom and penetration, about which much anxiety is felt, permit me respectfully to recommend: That you bestow a suitable attention upon the conditions of our navigable rivers, as calling for appropriations out of the three per cent fund for their improvement, to secure the safety of the descending craft; and to encourage the steam boat to venture upon those streams, which, but for their natural obstructions would invite her to visit their extensive shores.[26] That you take into consideration the condition of our college, and foster it with that parential care which shall preserve it free from *religious sectarianism* or *political partyism,* that it may form ripe and liberal scholars, such as will be ornaments to the state and benefactors to their race—That you enquire, whether our state roads have not failed to receive the amount of labor due them by law and physical force of the state, as an effect of too much reliance upon the three per cent fund.—That you may compare the 13th, 14th and 17th sections of the constitution, which prohibit imprisonment for debt *unless for fraud,* secure the *right* of bail, and forbid the requirement of *excessive* security, with the 4th section of the practice act, the 14th section of the execution laws, and the insolvent debtor act, which provide for the *imprisonment* and *release* of debtors, under the *capias ad respondendum* and *capias ad satisfaciendum,* in order to be satisfied that the *constitution* is *general* in its application to *all* stages of proceeding in actions, and that the *laws* make a distinction in the rights of the debtor upon *mesne* and *final* process. Our laws aid the debtor in obtaining his release upon *execution,* without a resort to the insolvent law, and where there is no presumption of fraud; but the *original writ* still takes the body to jail unless bail is given or a schedule is filed. Is the failure to give bail, that presumption of *fraud* intended by the constitution which may imprison one? The debtor may be *unable* to give bail, and yet have property enough to pay his debts, and be unwilling to file his schedule. The constitution has abolished imprisonment for *debt,* but authorises it for *fraud* or presumption of fraud. The propriety and constitutionality, therefore, of imprisoning the body, either by the *first* or *last* process in a suit for *debt alone* without providing some way of attaching fraud to the defendant, is extremely doubtful. To owe without the means of payment is *a misfortune,* but to act *fraudulently* is a *crime.* Great abuses have been practised under the 4th section of the practice act. It authorizes bail in actions of "covenant, detinue, &c." without any affidavit of the amount due. It is easy to evade the constitution by suing on a covenant, not for the payment of money or liquidated damages, lay the damages at ten times the amount forthcoming, file no affidavit to any amount, imprison the defendant until the trial; and thus demand *excessive* bail and violate the constitution. This has been practised. In the *one* of these cases, an affidavit should be made in all cases where there is no sum certain; and in the other, the relief given on the capias ad satisfaciendum should be extended to the capias ad respondendum.[27]

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[26] Each county in the state was granted $400 out of the Three Per Cent Fund to be used in opening and improving roads, building bridges, or improving the navigation of streams. The work to be done in each county was specified in the act. *Laws of Indiana,* 1830-31 (special), 154-66.

It will, doubtless, be to you an agreeable service to authorize the presentation of the contents of two boxes of public documents, to the Indiana college, or its worthy President, in behalf of the state, and at the instance of the Secretary of State of the United States, in conformity to an act of Congress: and also, two boxes of the same from the same, to the first established historical society in Indiana. The above named boxes have come to hand.[28]

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[27] The House judiciary committee, after considering the Governor's message relating to imprisonment for debt, agreed that great wrongs and injustice might grow out of the existing practice of holding to bail under the capias ad respondendum, in actions where the defendant was held to bail without affidavit, and believed that an affidavit should be required in all cases where the action was not founded on a note or instrument of writing signed by the defendant. They recommended that

In any attempt to revise the military laws, the growing necessity of a classification of the militia into *voluntary* and *sedentary* corps, with a view to a more *efficient* organization, and to afford complete relief to the conscientiously scrupulous against bearing arms, or fines, *as a consequence,* should not, at the beginning of a new era of political history, be lost sight of. It is equally as correct to impose penalties upon one denomination of christians as another, for religious scruples—there being no TEST of opinions—but they ought to be avoided as to *any;* when no injury would accrue to the public, under a complete equality, and freedom from a *conscience tax.*[29]

An act approved January 22d, 1829, giving relief to purchasers of out lots in Indianapolis, has *prudently* received a construction by the Agent of the state, as to the payment of back *interest* for lots never forfeited, which never could have been the intention of the Legislature. The Agent *doubting* as to the true construction, thought it best to err on the safe side, *receive* the interest, and refer the question to the Legislature for an explanatory act. The time was extended for payment, by the said act, *before* the forfeiture of the lots, or any right was vested in the state, by the original agreement, to demand

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the subject be referred to the committee on revision of the laws with instructions to incorporate the above amendment. *House Journal,* 1830-31, p. 117. A revised act was approved and incorporated in the Revision of 1831.

[28] A joint resolution authorized the presentation of the documents to the college and historical society. *Laws of Indiana,* 1830-31 (special), p. 172. The Indiana Historical Society was organized four days after the presentation of this message and was incorporated by act of January 10, 1831. *Ibid.,* 62.

[29] The militia laws were combined and revised into a single act, "to organize and regulate the militia." It was forty-six pages in length and was printed separately.

interest. If interest should be demanded, when there was neither a forfeiture under the first agreement, nor under the law giving further time, the debtor would be placed in a worse situation than if no relief law had been passed; for all would have paid up before the indulgence given by the law and saved the payment of the first four years interest, in preference to taking the 22 months indulgence by the said law, and then be compelled to pay interest for five years and ten months. The interest ought to be refunded.[30]

The situation of the treasury is as follows to wit: amount of assessment for 1830, $41,117.76; estimated deduction for delinquencies, commission, mileage and advertising, $7,500.00, deducted, leaving $33,617.76—for the treasury, which will probably be paid this winter, including $3,846.22, already paid. There is now in the treasury from all sources, $32,789.93, which added to the balance yet to be received of this year's assessments will make $63,571.47. The amount on hand is subject to the following claims, viz: outstanding warrants, $265.04—judiciary claims not audited, $2,275—prosecutors, $208.70—specific appropriations, $360.00—quarter master general—$12.00—probate judges estimate, $1,500.00—canal fund, $15,806.69—Indianapolis fund, $6,765.65—militia fines, $561.85—making in all, $27,749.43—leaving for the treasury the ensuing year, $35,812.04, after the setting apart of said claims. The demands upon this sum for the legislative expense, printing, &c. judiciary, specific appropriations, executive, contingencies and militia, state prison and wolf scalps, and probate judges, may amount to $33,000.00—leaving in the treasury 1st December, 1831, about $2,800.00—apart from what may then be paid of the revenue of that year. By this exhibit, we see that our present revenue law, will provide abundant means hereafter, for the common and necessary purposes of the government. And the anticipated new subjects of taxation, being constantly on the increase, you may in a short time, without some extraordinary call upon the finances, reduce the people's burdens.

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[30] The benefits and privileges of the relief acts of 1826 and 1828 for purchasers of lots in Indianapolis were extended to persons who bought out lots adjoining the town under acts of 1824 and 1825, but whether this embodied the Governor's recommendation is not clear. *Laws of Indiana,* 1830-31 (special), p. 85.

Be you well assured, gentlemen, that it will be my pride, as it will be my ambition, to aid you in every thing, which, either directly or remotely, shall promise any fruits for good to our mutual constituents. As we shall all sooner or later return to the honorable stations of private citizens, to feel the laws which we may enact, we have a community of interest with *them,* to exercise caution, that nothing is done amiss.

JAMES B. RAY.

Ray to the President of the Senate[1]

EXECUTIVE DEPARTMENT, Dec. 8th, 1830.

HON. MILTON STAPP, President of the Senate,

SIR—Mr. James Forsee is authorized to deliver messages, for me, to the Senate, during the present session.

Respectfully, &c.

J. BROWN RAY.

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IA. Dec. 8, 1830.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR: Mr. Isaac N. Heylin, is authorized to deliver messages to the House of Representatives, for me, during the present session.

Respectfully, &c.

J. BROWN RAY

[1] Indiana *Senate Journal,* 1830-31, p. 37.

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[1] Indiana *House Journal,* 1830-31, p. 41.

Ray to the Speaker of the House: Transmitting Correspondence with the War Department[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND., Dec. 8, 1830.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES,

SIR: According to a promise, in my first communication to the legislature, I now submit to the House, over which you have the honour to preside, correct copies of the several letters I addressed to the Secretary of War and the Road Commissioners, within the past season, on the subject of lands granted by treaty and an act of Congress, to the state of Indiana; to which I have annexed two letters from Governor Cass and General Tipton, as evidence of the intention of the contracting parties, to the said treaty, relative to the lands granted for the Michigan and Ohio road, which are as follows, to wit:

[Enclosures]

"EXECUTIVE DEPARTMENT,
"INDIANAPOLIS IND., Feb. 10, 1830.

"HON. JOHN H. EATON, Secretary of War:

SIR—Having been requested by the General Assembly of the state of Indiana, to open a correspondence and negotiation with the proper authorities of the General Government, and ascertain, as nearly as possible, *when* and *how* the lands donated by treaty and an act of Congress to the state of Indiana to open said road, are to be surveyed; and whether they are to be surveyed by the state of Indiana or the General Government; and urge the immediate survey of the same by the General Government: and take all such other steps, and measures necessary, to cause the same to be surveyed and made ready for market, on or before the first monday of December next, I now address you on the subject. I have given a quotation from the act itself, by which you can see what kind of information and action are required. The main proposition is, will the United States survey the lands alluded to? And if so, *when* and *how*? The route of the road has been established, and the state is anxious to procure a survey of the lands by the General Government as soon as practicable, in order that our next legislature may offer them for sale. The facility, dispatch, and accuracy with which the United States may survey these lands, under their authority, lead us to hope, that the state will be relieved from the burthen and trouble of the task. A board of commissioners have been organized, to proceed immediately, upon the notification of the Governor, to the selection of these lands, on his being informed that the General Government will undertake their survey, &c. Anxiously wishing that the generosity of the General Government may not suffer in this instance, in comparison with her usual accommodating spirit.

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[1] Indiana *House Journal,* 1830-31, pp. 45-54. Also in *Senate Journal,* 1830-31, pp. 37-47.

"I am sir, very respectfully, your ob't servant,

"J. B. RAY"

"EXECUTIVE DEPARTMENT,

"INDIANAPOLIS, IND., July 8, 1830.

"HON. JOHN H. EATON, Secretary of War:

"SIR—Being required by an act of the last General Assembly of the state of Indiana, to open a correspondence and negotiation, with the proper authorities of the General Government, and ascertain as *nearly* as possible, *when* and *how* the lands donated by treaty and an act of Congress to the state of Indiana, to open a road, are to be surveyed, and whether they are to be surveyed by the state of Indiana or the General Government, and to urge the immediate survey of the same by the General Government, and take all such other steps and measures, necessary to cause the same to be surveyed and made ready for market, on or before the first Monday of December next—I *did*, in obedience to the said law, address you a letter on the 10th February, 1830, calling your attention to the afore mentioned subject, and requesting a compliance, on the part of the United States' government, with the wishes of the legislature of Indiana, relative to the said survey; but after waiting with impatience for several months for a reply, I am now constrained to inform you that none has come to hand.

"Supposing that the mail may have mismanaged my first communication, on its way to Washington, I have deemed it most proper to address you again. You will perceive by the above quotation from the act itself, that it is the desire of the state of Indiana, that the lands which were granted by the treaty of 1826, by the Pottawatamie tribe of Indians, to make a road from Lake Michigan to the Ohio river, may be surveyed by the authority of the General Government.

"The route of the road has been established, and the state is anxious to procure a survey of the said lands by the United States, as soon as practicable, in order that our next legislature may offer them for sale. The facility, dispatch, and accuracy, with which the United States may survey these lands, lead us to a hope, that the state will be relieved from the burthen and trouble of the task. A board of commissioners, whose duty it is to proceed immediately upon the notification of the Governor to the *selection* of these lands, and if not surveyed by the United States, to their surveys, is now awaiting the determination of the United States' Government, on this matter. We are now the more solicitous for a speedy adjustment of the subject, since the country is already offered for sale by the United States, out of which selections of land will doubtless be made, to a great extent, by this state, under the authority of said treaty; for it is of much consequence to the state of Indiana, that the whole of the aforesaid lands should be surveyed and selected prior to the United States' sales, ordered for the ensuing fall, Should the country which is now offered for sale, be *actually* sold before our treaty lands are surveyed and selected, it may occasion much difficulty between the conflicting claims of the United States or their purchasers, and those of the state to the same lands. After surveying the lands in question, if the United States wish to have any agency in their selection, she can do so, by forthwith sending a commissioner or agent, to act in concert with the commissioners of Indiana, now ready to commence operations but for the want of the decision of the United States' Government. Whether she will send us a surveyor to survey the said lands; or whether they must be surveyed by the state? An early reply will be expected.

"I may here add as a reason for the solicitude herein expressed, that contracts will be made in a few days for improving said road upon the faith that the lands in question, will be *surveyed, selected* and prepared for sale by the 1st of December next.

"I have the honor to be, sir, very respectfully your ob't serv't.

"J. B. RAY"

"INDIANAPOLIS, IA. Nov. 1, 1830

"HON. SECRETARY OF WAR:

"SIR—Circumstances make it necessary, for me to ask you to inform me whether you received two letters from me within the last season, or at any time within the last summer, relative to the surveying and selection of the lands granted by treaty to make a road in this state from Lake Michigan to the Ohio river.

"I have the honor to be, &c.

"J. B. RAY"

The following is a note from the commissioners of the road, at the date of which I informed them all verbally, that I had written to the Secretary of War and received no answer, on the subject of the lands, but would write again immediately, after waiting a reasonable time for an answer to my first letter.

"INDIANAPOLIS, 3rd June, 1830

"DEAR SIR—We have to request you to give us the earliest information it may be in your power to obtain from the *War* Department respecting the selection of the lands donated by Congress, for opening and constructing the Michigan road, as it may become important that the selection should be made at an early period. We will consider it as a particular favor if you will condescend to notify us as soon as you receive our communication from the Department on this subject.

"Very Respectfully, your ob't sev'ts,

"SAM'L HANNA,
WM. POLKE,
"AB'M M'CLELLAND,"

To which, after waiting until there was about time enough for the Commissioners to do their duty in, for answers from the War Department, I made the following reply:

"EXECUTIVE DEPARTMENT,
"INDS. IND. Sept. 6, 1830.

"MESSRS SAMUEL HANNA, WILLIAM POLKE, ABM. M'CLELLAND, Michigan road commissioners

"GENTLEMEN: Permit me to repeat to you, a statement of facts relative to the duties I have performed by virtue of the 3rd and 4th sections of an act to establish a state road from lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river, approved, January 13, 1830, and the result of my agency for the state. On the 10th of February, 1830, I mailed a letter at Indianapolis for the Secretary of War, in compliance with all of the requisitions of the said act. On the 3rd of June last the commissioners were at my office in Indianapolis, at which time I informed them that I had not yet received an answer to my communication, and consequently was not yet in possession of the views of the United States' Government, relative to the subject of the negotiation, but that if I received no answer in a short time, I would again address the proper authorities at Washington, on the subject. On the 8th of July 1830. I renewed the correspondence by a second letter, and have yet received no answer to it. In the first part of the month of August last, I had an interview with Samuel Hanna, one of the said commissioners, and informed him that I had yet received no information from Washington, and *then* gave him my opinion, that as the season was wearing away, and as some of the lands which might be selected, might be sold in the fall by the United States, I thought it important that the commissioners should not delay further to commence operations. I also *then* informed him that it was the province of the commissioners to employ a surveyor, &c., and to proceed to business. To my view Mr. Hanna assented, and stated, that he would immediately correspond with the other commissioners, with a view to the meeting of the Board and a speedy commencement of the service.

"In this letter I am aware that I am but relating most of what has been long since in possession of the commissioners; but as some attempts have been made to censure me for omissions of duty, I have thought proper to place a statement of facts in writing before you. By the 4th section of said act, I am required to notify you when to proceed to the selection of the lands, on the *condition* that the General Government *agreed* to survey them; but as she has *not* agreed to survey them, the law does not authorise me to act. Again, the next section authorises me to notify the commissioners to employ surveyors, markers, and chain-bearers, if the United States *refused* to survey the lands, in order that you might carry the intention of the law into effect. Now, inasmuch as the United States have neither *refused* or *agreed* to complete the survey, I am clearly in this instance left without authority to act, also. But, I believe that the spirit of the law will authorise you (as I told Mr. Hanna,) to proceed to the employment of surveyors, markers, and chain-bearers, and to survey and select the lands according to the acts' provisions.

"My opinion is the same *now* as it was in June—that with or without any thing specific from the General Government, you might carry the intention of the legislature into effect in regard to these lands. The present time to survey and select the lands, is one favorable to the interests of the state, and your energies are a sufficient guarantee, that both objects will be effected in due time.

"I have the honor to be, very respectfully, your obedient servant.

"J. B. Ray"

. . . .

The first, except the two last, letters speak for themselves. The *two last* from Governor Cass and General Tipton, though obtained for a different object, and never before published, entire, now happily serve my purpose, to shew some important facts relative to the procurement of the Michigan road grant, by treaty, and will shed a stream of light upon the real intention of the treaty.[2] It will be recollected, that the last above named gentlemen and myself were the negotiators of the treaty for the United States. Against the position taken, that this land was a *voluntary* grant from the Indians, without any dependence upon the balance of the treaty, and not a part of the consideration in which the treaty was based, we opposed our joint declaration, that it was a subject, which, for its magnitude, delayed the general cession of land to the United States, until, as a *sine qua non,* it became a part of the instrument; and that that, and the canal grant, were insisted upon, with firmness, until the Indians yielded their obstinate resistance to the grant under notice. Against the notion, that it was a "distinct and separate cession," out of the remaining Indian lands, it is made clear, that it entered as much into the calculations of all parties as any other portion of the instrument. It was not without its valuable considerations. If it delayed the treaty, though worth ten times that delay, it cost something. It was not a free will gift without a *quid pro quo*. If it cost the United States a small amount, it is a national work; was so considered by the treaty making power and by the Senate, or it would not have been ratified.

Some uncharitable persons, in the public prints and elsewhere, have insinuated that I have failed to do my duty, with regard to this road grant, under the law of last year, out of hostility to the road and for other causes.[3] With about the same propriety, and *without evidence,* they may charge me with murdering my own child. Where is the testimony for my opposition to it to be found? Is it to be seen, in my first, of all others, *conceiving* this work and the way to procure the means to make it? Then advocating it for the benefit of the state at the treaty ground, with what powers and skill I was master of, though then in the employ of the United States— *Then* drawing up the article, and taking upon myself the responsibility, (for which I have been liberally censured) of making its insertion in the treaty, a point not to be yielded, whilst there was a ray of hope for its success? *And then* at last, by great exertions with the Indians, procuring its adoption, subject to predictions, from the right and from the left, that it was so unheard of a procedure, that it would destroy the treaty? Is it known from any thing which I have said or written? What reason is there that I should feel less friendly to this noble project *now* than when to procure it *first,* I felt willing to give up a portion of my character to obtain it? Is it negligence that I am charged with in this respect? Who ever knew me to neglect any matter confided to me? Why more negligent in the performance of every necessary duty, so as to apply the grant, agreeably to the original design, than when so much labor and anxiety was bestowed to obtain it? Have I not had increased cause for fresh gratitude to the state, since 1827, by the election of 1828. How can I be gratified or benefitted in doing any thing, to stay the progress of this road, or injure contractors on it, some of whom are my good friends. Has my memory deserted me within the past season, so that I had forgotten to open the correspondence required? Did the Road Commissioners then refresh it in June? Did it fail me again, or did I maliciously all in a moment, turn a traitor to the state? It is of the lowest grade of meanness to praise or censure at random—without knowing or wishing to know the ground to justify it. To blacken character upon *conjectures,* bears affinity to the discharge of a loaded gun into an assembly of people, without any particular object but to do mischief.

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[2] The letters from Lewis Cass and John Tipton are printed above under their respective dates, September 18 and October 26, 1827.

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[3] See *ante,* 544-45, and notes.

What a stimulous it is to public men, after toiling for years, first to *achieve* and then to consummate a great benefaction for a community, to be accused in the midst of their best exertions, with a graceless imprudence of being treacherous concerning the object of their pursuit. When *punishments* are substituted for rewards, and winked at from any incentive, how long will patriotism and virtue, with proud and elevated standard, rule the state? Let justice be done if the heavens fall.

I have the honor to be, Very respectfully, Your ob'dt serv't.

J. B. RAY

N. B. That I have not neglected to do my duty, as above stated, must depend upon my own testimony. In this, as in all other instances of public service of mine, I have PERSONALLY done my business, myself. I kept no clerk, private secretary or amanuensis—have no witnesses to prove what I do.

Respectfully, &c.

JAMES B. RAY

Ray to the Speaker of the House: Transmitting Correspondence with the War Department[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, IND., Dec. 9th, 1830.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR—Since making my two last communications to the legislature of this state, I have received the enclosed letter from the Secretary of War, which I respectfully request to be annexed to my last address to the Senate.[2] The accompanying letter of the Secretary of War acknowledges the receipt of the letters written to him by me, in compliance with the law of the last session, on the subject of the Michigan Road lands and their survey. Can it still be said that I have neglected this duty? Is the evidence I *now* submit sufficient to acquit me of censure?

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[1] Indiana *House Journal,* 1830-31, pp. 65-66. Also in *Senate Journal,* 1830-31, pp. 53-54.

[2] See *ante,* 586-94.

I am sir, very respectfully, your ob't servant,

JAMES B. RAY

[Enclosure]

(copy.)

DEPARTMENT OF WAR, Nov. 24th, 1830.

SIR—Your communication of the 1st instant, as well as those of an *anterior* date, upon the subject of a survey of land, &c. in your state, have been received.

In answer I have the pleasure to inform you that the subject of your communication is before the Commissioner of the General Land Office, who will give it that attention the nature of the case requires.

Very respectfully,

J. H. EATON

HIS EXC'Y, J. B. RAY, GOV. of Indiana

Ray to the President of the Senate, Transmitting Report of Treasurer, Indiana College[1]

EXECUTIVE DEPARTMENT,
IND'A. IND'S. Dec. 9, 1830.

HON. MILTON STAPP, President of the Senate:

SIR—The accompanying paper is the annual report of the Treasurer of "Indiana College," truly transcribed; which you will be pleased to lay before the House, over which you have the honor to preside.[2]

I am, sir, very respectfully, your ob't. serv't.

J. BROWN RAY

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[1] Indiana *Senate Journal*, 1830-31, pp. 57-58.

[2] The trustees of the college also submitted a report in accordance with a joint resolution passed at the previous session. It was transmitted to the House by the Speaker on December 8, and is printed in the *House Journal*, 1830-31, pp. 40-48.

[Enclosure]

Bloomington, Nov. 25, 1830.

Sir—In compliance with an act, entitled "an act to establish a College in the State of Indiana, (approved January 24th, 1830)" the Treasurer of "Indiana College" would respectfully submit the following as a true account of the receipts and expenditures, being the whole amount received and paid out by him since the 28th day of November, 1829, up to the 27th of October, 1830:

Remaining in the treasury on the 28th day of November, 1829	$ 66	64	
Since which time there has been received of the students	635	45	
When added makes	703	09	[702 09]
Paid to the members of the faculty	560	78	
For repairs on the College building	3	62½	
Fire wood	21	37½	
Taking care of the College building, making fires, ringing bell, &c.	25	00	
Making when added	610	78	
Which being deducted from the receipts leaves	$ 92	31	
There has also been received of the Commissioner of the Seminary Township of land in Monroe county, of the proceeds of the sale of the reserved section south of "Indiana College," nine hundred dollars	900	00	
Of which there has been paid to Mechanics of the new College building	558	89	
For Globes, Diploma plates, &c.	100	00	
	658	89	

Leaving said fund in the treasury $241 11

JAMES BORLAND, Treasurer.

TO HIS EXCELLENCY, JAMES B. RAY, GOV. of the State of Indiana.

Michigan Road Commissioners to the General Assembly, Transmitting Correspondence[1]

[December 10, 1830]

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF INDIANA, in General Assembly met.

The undersigned, commissioners of the Michigan road, beg leave to communicate, for the information of the General Assembly, the enclosed documents, received from the General Land Office, in reply to their communication transmitting to the General Land Office, a list of lands selected for the use of the Michigan road. From those documents the legislature will discover that the Secretary of the Treasury refuses to confirm the selections made by the commissioners in behalf of the state of Indiana, and approved by an authorized agent of the United States' government, who was specially instructed by the Department of War, to accompany the commissioners, while selecting the road land, to prevent dissatisfaction or complaint being made by the Indians.[2]—From the view the commissioners have taken of this communication they believe it to be strictly within the spirit of the law, under which they have acted, to transmit the same to the General Assembly.

The proceedings we have had while engaged locating the road and selecting the lands, for the same we have filed in the office of the Secretary of State, as by law we are required.

With much respect, Your most obedient,

SAMUEL HANNAH,
WM. POLKE,
A. M'CLELLAN.

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[1] Indiana *House Journal*, 1830-31, pp. 67-71. The covering letter is also in the *Senate Journal*, 1830-31, pp. 56-57, but not the enclosures.

[2] John Tipton, Indian agent, accompanied the commissioner. *John Tipton Papers*, 2:250, 255, 302, 340-41.

[Enclosures]

(Copy.) GENERAL LAND OFFICE, 11th October, 1830.

GENTLEMEN—Your letter of the 14th ult. covering a list of lands, selected by you for the road between Lake Michigan and the Ohio River, through Indianapolis, referred to in the second article of the Pottawattimie Treaty of the 16th October, 1826, and the Act of Congress of the second March, 1827, was duly received and submitted to the consideration of the Secretary of the Treasury on the 5th instant, by a letter of which the paper marked A, herewith enclosed, is a copy; and you will perceive, on reference to the answer of the Secretary, dated the 9th instant, of which the paper B. is a copy, that he approves of the views of the office upon the subject.—From these papers you will perceive that the 2nd Article of the Treaty is considered as making a separate and distinct cession of lands, for the purpose of making the road; that the quantity thus ceded is equal to a strip of 100 feet wide, for the length of the road through the Indian country, and 1 section of land for every mile as *actually laid out,* between the Lake and the Ohio river, through Indianapolis; that the selection of one section of every mile, through the Indian country, must be contiguous to the road; that the remainder of the quantity, to which the state may be entitled, must be taken out of the *Indian lands,* and that none of the lands ceded to the United States, by the first article of that treaty, or by any other treaty, are liable to be located for the use of that road; the selections cannot therefore be approved, and the land officers, at Fort Wayne and Crawfordsville, have been instructed to offer the tracts at the public sales in November next.

With great respect, Your most obedient serv't,

JOHN M. MOORE, Acting Commis'r.

WM. POLK, SAML. HANNA, A. M'CLELLAN, Road Commissioners, Logansport, Indiana.

(A.)

(Copy.) General Land Office, October 5th, 1830.

Sir—I have the honor to enclose a sketch, exhibiting the several Indian cessions in the northern part of the state of Indiana, by the first article of the Pottawattimie treaty of the 16th of October, 1826, (Ld. Laws, page 331,) the tracts colored blue on that sketch were ceded to the United States. By the second article of the same treaty, the Indians cede to the United States a strip of land, commencing at Lake Michigan, and running thence to the Wabash river, 100 feet wide, for a road; and also one section of good land contiguous to said road, for each mile of the same; and also for each mile of a road from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid, from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river. By the same article it was also provided, that the Gen. Assembly of Indiana should have the right to locate the road, apply the said sections or the proceeds thereof, to the making of same or any part thereof, and that the grant should be at their sole disposal; but by the ratification of this treaty, this provision was rejected, although not so noted in the land laws, (see appendix to laws United States 2nd session, 19th Congress, page 52.) By the act of Congress, approved on the 2nd of March, 1827, (land laws, page 932,) the General Assembly of Indiana were authorised to locate and make the road above specified, and apply the strip of land and the sections ceded for that purpose, or the proceeds thereof, to the making of the same; and the grant was placed at their sole disposal.

It does appear to this office, that the second article was intended to make a cession of lands separate and distinct from those designated in the first article of the same treaty; that the quantity thus ceded is a strip of 100 feet wide, for the length, that the road may run through the lands belonging to the Indians, and one section of land for each mile of the road from Lake Michigan, through Indianapolis, to the Ohio river. Before this quantity can be ascertained, it appears to me, that the road must be actually laid out, so as to ascertain its course and length, and the number of sections ceded by the treaty and vested in the state by the act of 1827, that when the road is so laid out, the section of land for each mile it may run through the Indian country, must be located agreeably to the words of the treaty, contiguous to the road, and that the residue of the lands thus ceded, must be taken out of the lands belonging to the Indians, and not out of the lands ceded to the United States for any other purpose, by the first article of that treaty, or by any other treaty.

It is not known to this office that the road has been laid out and surveyed, and the subject is now brought before the Secretary for his decision, in consequence of the receipt of the enclosed communication from the commissioners appointed by the state of Indiana, to select the lands granted for the road. I have marked on the sketch, by a red cross, the townships in which they propose to make the selections, by which it will be perceived, that they do not lay in a direct line from the lake to Indianapolis; that part of the selections are in the tracts ceded by the first article of the treaty, and that the residue are embraced by the Chicago cession of 1821.

The list has not been critically compared with the plats in this office; but it is known that there will be objections to the approval of some of the selections, in addition to the general one; that they may include lands liable to entry, under the preemption law of the 29th of May last.[3]

(Signed) J. M. MOORE, ACTING COMMISSIONER.
SAML. D. INGHAM, SEC'Y TR'Y.

(B.)

(Copy.) TREASURY DEPARTMENT, 9th October, 1830.

SIR,—Approving the view taken of the subject of the selection of lands, for the use of the Michigan road in your letter of the 5th instant, I return the papers therewith enclosed.

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[3] The Assembly, as noted above, memorialized Congress to confirm the selected lands, which Congress eventually did. *Ante,* 568n.

Respectfully, &c.

(Signed) S. D. INGHAM, Secretary of the Treasury.
COMMISSIONER OF THE GEN. LAND OFFICE.

Treasurer's Report[1]

TREASURY DEPARTMENT, Dec. 10, 1830.

THE TREASURER, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from Dec. 5, 1829 to Dec. 4, 1830:[2]

Cash on hand 5th Dec. 1829,	$10,123 68
Receipts from that day to 4th Dec. 1830,	
From the assessment of 1820,	16 43
″ ″ 1822,	69 11
″ ″ 1823,	73 20
″ ″ 1825,	620 00
″ ″ 1826,	621 76
″ ″ 1827,	181 29
″ ″ 1829, including unlisted lands not previously reported to Auditor,	29,386 04
From assessments for 1830,	3,846 22
From the late and present Agent for Indianapolis	3,839 95
From Commissioners of Seminary Townships,	4,552 83
From the sale of land mortgaged to Loan Office,	405 00
From the sale of Canal lands,	18,709 25
Loans refunded,	1,290 16
Interest on loans,	1,542 40

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[1] Indiana *House Journal,* 1830-31, Appendix A. Also in *Senate Journal,* 1830-31, pp. 71-73.

[2] Other reports submitted by the treasurer were the transactions of the college fund, the list of borrowers of the seminary fund, payments out of the contingent fund, and expenses of stationery. *Senate Journal,* 1830-31, pp. 73-78.

Militia fines,	40	33
Penalty of late Collector of Switzerland,	8	89
Rents of Salt spring reserves,	90	85
Estates without heirs,	50	77
Making in all	$75,468	16

Payments from the Treasury during the foregoing period.

To the Adjutant and Quarter-Master Generals,	$ 154	86
For advertising the Presidential election,	10	00
Salaries of Circuit Prosecutors,	1,037	55
″ Executive officers,	2,361	05
″ Judiciary,	5,566	76
For transporting convicts to state prison,	507	32
For state library,	113	12
To superintendents of salt spring reserves,	30	00
For printing and stationary,	3,336	21
Compensation of Probate Judges,	1,273	50
″ Wolf scalps,	636	50
To members, clerks, &c. of late legislature,	12,041	02
Contingent expenses,	1,026	08
Specific appropriations,	1,202	64
Indianapolis expenditures,	398	92
Michigan road,	1,184	50
Wabash and Miami Canal,	1,902	56
State Seminary,	2,676	64
Loans and amount to be paid on sale of mortgaged land,	5,928	00
Militia Fines distributed,	21	00
Making in all,	$41,408	23
Which leaves in the Treasury,	34,059	93
	$75,468	16

The cash on hand is liable to

Outstanding warrants,	$ 265	04
Salaries of Judges due but not audited,	2,275	00

" Prosecutors,	202 70
Specific Appropriation	360 00
Claims of Probate Judges (estimate)	1,500 00
Wabash and Miami Canal fund,	15,806 69
Indianapolis "	6,765 65
Militia fines,	561 85
making	$27,736 93
Which deducted from the cash on hand,	$ 6,323 00
The revenue of 1830, to be paid subsequent to the 4th inst. will probably amount to	29,700 00
Making for the current expenses of the year,	$36,023 00

These expenses may be estimated, as follows:

To judges and prosecutors,	$ 8,200 00
The executive,	2,200 00
Printing and Stationary,	3,300 00
Legislative expenses,	1,600 00[3]
Contingent,	1,000 00
Militia,	150 00
State prison,	750 00
Wolf scalps,	800 00
Probate Judges,	3,000 00
	$34,000 00
Which will leave in the treasury, Dec. 1, 1831	2,023 00

Respectfully submitted,

SAML MERRILL

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[3] The *Senate Journal* gives the figure for legislative expenses as $13,000, and lists $1,600 as the amount spent for specific appropriations. This additional figure is needed to make the total given here.

Auditor's Report[1]

Auditor's Office
Indianapolis, Dec. 10, 1830.

In obedience to the "Act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of Receipts and Expenditures, on account of the State of Indiana, is respectfully submitted.

There was remaining in the Treasury on the 5th day of Dec. 1829, provided all claims to that date, were paid		9,961 63
Since the above period there has been paid into the treasury on account of balance due for the year 1820	$ 16 43	
1822	69 11	
1823	73 20	
1825	620 00	
1826	621 76	
1827	181 29	
From Collectors revenue 1829	29,352 73	
" " " 1830	3,846 22	
The agent of State, for Indianapolis	3,839 95	
Seminary funds	4,552 83	
Mortgaged "	405 00	
Loans refunded	1,290 16	
Interest Seminary funds	1,542 40	[46,411 08]
		$56,372 71
From Canal funds	18,709 25	
Estates without heirs	50 77	
Unlisted lands and polls	40 33	
Conscientious fines	33 31	
Penalty on Collectors	8 89	
Salt Springs	90 85	
Making in all		$75,306 11

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[1] Indiana *Senate Journal,* 1830-31, pp. 81-82. Also in *House Journal,* 1830-31, pp. 82-83.

Since the above period, there has been audited for public printing and stationary	3,336	21
For expence of last General Assembly including pay of Members, Clerks and Door keepers	12,041	02
For salaries of Executive officers	2,200	00
Judiciary	5,810	80
Probate Judges	1,273	50
Prosecuting Attornies	1,037	55
Militia officers	154	86
State Seminary	2,676	64
Wabash and Miami Canal fund	1,902	56
Michigan Road	1,204	50
Seat of Government	398	92
Specific appropriations	2,202	64
Electors	10	00
State Prison	507	32
State Library	113	12
Rock Lick	30	00
Wolf Scalps	626	50
Conscientious fines	21	00
Seminary funds, loaned upon Treasurer's Report	5,928	00
Contingent expences per Treasurer's Report for the year 1830	1,026	08
Which, deduct from $57,306 11 (receipts,) leaves a balance in the treasury, on the 5th day of Dec. 1830, provided all claims audited to that date have been paid	$33,794	89

The amount of assessments for the present year, as certified by the clerks of the several counties is 41,117 96, from which, after deducting 7,617 96 delinquencies and other expences, will leave for the Treasury $33,500.

The amount of old delinquencies paid into the Treasury during the present year, is $1,581 79. It is probable that but little more will be collected of those old claims, so that they cannot be relied on with any certainty, as making a part of the Revenue.

Respectfully submitted,

MORRIS MORRIS,
Auditor Public Accounts.

Ray to the President of the Senate, Codification of the Laws[1]

IND. IND'S. Dec. 10th, 1830.

HON. MILTON STAPP, President of the Senate,

SIR:—In answer to your letter of this date enclosing a resolution of the Senate on the subject of a codification, compilation and revision of the laws,[2] permit me to say, that I have procured a blank book at my own expense, and framed in it one hundred articles of law, but as what is done, forms a part of an *entire* system, it cannot be attached to the revision and compilation in contemplation by the Senate. It can have no connection with it. In the future I shall only promise what I have in the past; my intentions and exertions to do all in my power to give a code of laws to the people of Indiana. The great inroad which has heretofore been made upon my time by increased official duties, sickness, domestic concerns and by my common intercourse with the world, leaving me but a small portion to be devoted to the work in hand, causes me to fear that my own labours, unaided even by a clerk, will be inadequate to the completion in a year of the work of years.

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[1] Indiana *Senate Journal,* 1830-31, pp. 63-64.

[2] On December 8, the third day of the session, Senator Ewing introduced a resolution requesting that the judiciary committee be instructed to inquire into the expediency of revising and compiling the state laws. The last revision had been made in 1824. After consideration in committee of the whole, resolutions were adopted calling for the appointment of a committee of five to act with a similar committee from the House to make the compilation and revision. Stephen C. Stevens, John T. McKinney, James Whitcomb, William Graham, and William C. Linton were named by the Senate. The House reciprocated the Senate resolution and appointed David Hillis, Amory Kinney, Ezra Ferris, David Wallace, and William Herod. The joint committee was authorized to appoint subcommittees of the members of the two houses and assign to them separate portions of the laws to work on. *Senate Journal,* 1830-31, pp. 49, 52, 80, 87-88, 104-5.

The Senate resolution which was sent to the Governor pointed out the need for a revision of the laws, and stated that "Whereas, in the Messages of His Excellency, the Governor, for the last three years, the Legislature has been officially informed by him, that a well digested code of laws would be presented to the General Assembly during his administration, and believing, that duty alone, making it necessary to learn how far this code is in progression, and whether we may expect to have it submitted in time for this General Assembly to act upon," requested the president of the Senate to write the Governor on the subject. *Ibid.,* 1830-31, p. 59.

This is a subject about which no positive promise ought to be made by one in my situation, having several thousand Executive acts to perform in the course of a year, besides being subject to other unavoidable losses of time, as other men.

Neither am I in this service, under the employment of the State. My undertaking is a voluntary one, and if circumstances should render it improper for me ever to submit a code to the Legislature, I shall hold myself accountable to the people alone for satisfactory reasons for my course. All may be assured of this, that it will not at any time be placed in hands that will abuse it.

A work which is condemned in *advance,* by the interested, is not likely to pass the ordeal of a fair examination, when placed under their supervision. I have had much to discourage, and but little to encourage me, to prosecute my original design. I shall refrain at this time from any allusion to causes, which have operated to dispirit me from toiling without a prospect of effecting my object. Though I shall never loose sight of being instrumental, in whole or in part, of providing a code of laws for the State. It will be equally as certain that until motives shall cease to operate against any thing which comes from me, my fears will be stronger than my hopes for its fate.

Whatever course the Legislature may think proper to take as to a system of laws, they may rely upon my best exertions to aid them to the extent of my abilities.

I have the honor to be, sir, Very respectfully, your ob't servt.

J. Brown Ray.

Ray to the Speaker of the House, Transmitting a Resignation[1]

Executive Department,
Ind. Inds. Dec. 11, 1830.

Hon. Speaker of the House of Representatives:

Sir—I have received and accepted, the resignation of William W. Wick, Prosecuting Attorney of the 5th judicial circuit, in this state. Be pleased to communicate this to the House of Representatives.[2]

I am, &c.

James B. Ray

Ray to the Speaker of the House, Transmitting Communications[1]

Executive Department,
Indianapolis, Ia. Dec. 14, 1830.

Hon. Speaker of the House of Representatives:

Sir—At the request of the Governor of the state of Mississippi, I lay before you for the House of Representatives, a report and some resolutions of the state aforesaid, claiming as her right, all the unappropriated lands within her limits. This is a response to the report and resolutions of Indiana, on the same subject.

With high considerations, I am, sir, your obd't serv't,

J. Brown Ray

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[1] Indiana *House Journal,* 1830-31, p. 78. Also in *Senate Journal,* 1830-31, p. 79.

[2] Philip Sweetser was elected vice Wick, December 13, 1830. *Executive Proceedings, 1816-1836,* p. 305.

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[1] Indiana *House Journal,* 1830-31, pp. 97-98.

Ray to the President of the Senate, Transmitting a Communication[1]

EXECUTIVE DEPARTMENT,
IND'A. IND'S. Dec. 15, 1830.

HON. MILTON STAPP, President of the Senate,

SIR: I lay before you for the Senate, by request, the accompanying document, being a memorial of the surviving officers and soldiers of the Revolutionary Army, who are not entitled to pensions under the existing law.

The attention of the Legislature is invited to the same. They desire their case to be brought before Congress.[2]

With consideration, I am &c.

J. BROWN RAY.

Ray to the Speaker of the House, Obstructions in Wabash River[1]

EXECUTIVE DEPARTMENT,
INDIANA, INDIANAPOLIS, Dec. 15, 1830.

HON. ISAAC HOWK, Speaker of the House of Representatives:

SIR: In obedience to a resolution of the House of Representatives of yesterday, on the subject of the Wabash obstructions, and correspondences between the Governor of this state, and the Governor of the state of Illinois, and Secretary of War, relative to the same; and the report of the United States' Engineer, appointed by an act of Congress to examine the

[1] Indiana *Senate Journal,* 1830-31, p. 106.

[2] A joint resolution of the Assembly requested the Indiana delegation in Congress to use their best efforts to obtain pensions for William Lindsey, Howard Putnam, Peter Houston, Francis Odler (or Outler), Culbrith Tisdell, William Ray, and William Owens. A memorial was also passed asking relief for John Burk, another Revolutionary soldier. *Laws of Indiana,* 1830-31 (special), pp. 176-77, 195. William Ray was the Governor's father; he was living in Vigo County with another son.

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[1] Indiana *House Journal,* 1830-31, pp. 109-11.

Wabash River, I have the honor of laying before you the following letter, to-wit:[2]

[Enclosures]

EXECUTIVE DEPARTMENT,
IND. INDS. March 25, 1830.

HON. JOHN H. EATON, Secretary of War.

SIR—The 5th section of an act (of the last General Assembly of this state,) providing for improvement of the navigation of the Wabash, below Vincennes, makes it my duty to correspond with the Secretary of War, and obtain from the Department over which he presides, the reports of the United States' Engineers who were ordered to examine the Grand Rapids of the Wabash in 1828, and when obtained to report the same to the state engineer of this state, &c.

Under this authority, permit me respectfully, sir, to solicit your attention to the wishes of the Legislature, and to request that you will forward to me, transcripts of the proceedings of the said engineer, including such memoranda, topographical or other notes or estimates, as may be in your office.

Very respectfully, I am sir, Your obedient servant,

J. BROWN RAY

DEPARTMENT OF WAR, April 15th, 1830.

TO HIS EXCELLENCY, J. B. RAY, Governor of Indiana:

SIR—In reply to your communication of the 26th March ult., relative to the improvement of the Wabash river, and requesting to be furnished with the reports of the Engineer, who examined the rapids of the river, I have the honor to state that those reports have not yet been prepared. It is, however expected, that they will be completed in the course of a few weeks, when your wishes in regard to them will be complied with.

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[2] The Governor was requested to inform the House whether any report had been received from the engineer appointed to examine the obstructions in the Wabash River and if he had had any correspondence with the Governor of Illinois on the subject. *House Journal,* 1830-31, p. 102. See *ante,* 433-34, 509, about the survey which had been authorized by Congress in 1828.

I am, very respectfully, sir, Your obedient servant,

J. H. Eaton

Executive Department,

Ind's, Indiana, March 26, 1830.

To His Excellency, The Governor of the State of Illinois:

Sir—By the 4th section of an act for the Improvement of the navigation of the Wabash below Vincennes, passed at the last General Assembly of this state, and a copy of which act is herewith enclosed, you will perceive that the Governor of this State, is requested to correspond with your excellency on this subject, & inform you of the passage of this act, and invite a union of effort of the two states in the removal of an obstruction of common detriment to both. I have the honor now of discharging that duty, and of laying before you the proceedings of this state, by which you will be fully enabled to comprehend what is contemplated by her. The vast and rapidly increasing interest which is felt, in the removal of the Wabash rapids, justify me in earnestly pressing this matter upon the serious attention of the state of Illinois, through her executive, and will doubtlessly stimulate you to present the whole subject to your Legislature, in its most pleasing and striking aspect. Comment on the importance of the work in view is unnecessary. All acknowledge its utility.

I have the honor to be, sir, Very respectfully your ob't serv't,

J. B. Ray.

To the last letter to the Governor of Illinois, no answer has been received, and is scarcely expected as it will form a subject of legislation for that state. I have not heard from the Secretary of War since his said letter came to hand.[3]

Respectfully I am, &c.

J. B. Ray

Ray to the Speaker of the House, Michigan Road[1]

Executive Department,
Indianapolis, Ia. Dec. 16, 1830.

Hon. Speaker of the House of Representatives:

Sir—Lest it may be supposed, that I have intentionally done injustice to the national authorities, in remarking in my message, that they had not furnished any of the state authorities with an opportunity of defending her interests, by notifying them of the opinion entertained at Washington as to the selection of the Michigan road lands, I feel it my duty to state, that the contents of the communications made by the acting commissioner of the General Land Office, and the approval of the Secretary of the Treasury, were not *known* or communicated to me.[2] The road commissioners did not furnish me with copies of those documents, and the first time that I saw them, was, in the newspapers of to-day.

I have the honor to be, sir, very respectfully, &c.

James B. Ray

[3] The legislature at this session memorialized Congress to give Indiana and Illinois the proceeds from the sale of land on McArthur's (or Arthur's) Island, for improvement of navigation on the lower Wabash. This island, containing about 5,000 acres, within the limits of Posey County, Indiana, was described as "susceptible of cultivation." The land on the island had not yet been offered for sale. The island itself obstructed navigation of the river and also that part of the river in which the island was situated was "impeded by many obstructions" which might be removed by "an appropriation by Congress equal to the value of the lands on the island . . . ." *Laws of Indiana,* 1830-31 (special), pp. 184-85. A joint resolution asked the Indiana delegation in Congress to work for a Federal appropriation to improve the navigation of both the Wabash and White rivers above their confluence. *Ibid.,* 178.

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[1] Indiana *House Journal,* 1830-31, p. 113.

[2] The communications referred to are printed *ante,* 599-601.

Ray to the Speaker of the House, Purchase of Fire Engine[1]

EXECUTIVE DEPARTMENT, December 18, 1830.

HON. SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR,—The enclosed circular will be interesting to a committee enquiring into the expediency of providing for the public property a fire engine. The low price being $250, at which an engine may be obtained, which will discharge one hundred gallons of water per minute, 60 feet high, 90 distant, worked by eight men; when compared with the risk of the property it might save from destruction, admits of but little diversity of opinion, as to the propriety of making the purchase of *one* of the various kinds in the list submitted.[2]

Respectfully, Your obedient Servant,

J. BROWN RAY

Ray to the President of the Senate, Transmitting a Communication[1]

EXECUTIVE DEPARTMENT,
IND'A. IND'S. Dec. 20, 1830.

HON. MILTON STAPP, President of the Senate:

SIR: I herewith lay before you, a prospectus of Jonathan Elliott, of Washington city, proposing to publish four volumes of public documents, the contents of which, would be a useful addition to the State Library.[2]

[1] Indiana *House Journal*, 1830-31, p. 133.

[2] The House of Representatives passed a bill appropriating money to secure a fire engine for Indianapolis, but the measure was lost in committee in the upper house. *House Journal*, 1830-31, pp. 156, 204; *Senate Journal*, 1830-31, pp. 173, 180.

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[1] Indiana *Senate Journal*, 1830-31, p. 127.

[2] The proposed publication was of the Debates of the convention that framed the Federal Constitution. The education committee of the Senate reported a resolution directing the library to purchase two sets of the work out of their annual appropriation, but it did not pass. *Senate Journal*, 1830-31, pp. 167-68.

With high consideration, I am, very respectfully, Your ob't. servt.

J. Brown Ray.

Ray to the Speaker of the House, State Prison[1]

Executive Department,
Ind. Inds. Dec'r. 21, 1830.

Hon. Isaac Howk, Speaker of the House of Representatives:

Sir,—In answer to the resolution of the House of Representatives of yesterday, I have to remark, that that part of the resolution which required the secretary of state to lay before the House of Representatives, the files of the reports of the last year, made to him by the superintendant of the state prison, was referred to him. To so much of the same as requires the Governor to furnish the House with a *statement* of the existing contract respecting the state prison, he considers he cannot better reply, than by furnishing it with a correct copy of the contract itself; which is herewith submitted.[2] It may be added, in reply to another part of the resolution, that the Executive has not been put in possession of any information within the last year, to be relied upon, respecting the state prison, impeaching its agent of bad management; nor is he aware that its *"condition"* has become the subject of suspicion by any improper conduct, negligence, or violation of the laws. The Governor not being required by any law to appoint a board of visitors yearly, to examine into the affairs of the prison, has considered it unnecessary to subject the state to that expense, without some evidence that there was a call for it. Besides this, the penitentiary is farmed out for a definite sum, and the state has nothing to gain or lose, in a pecuniary point of view, by frequent examinations. If the law has been violated, provided for the government of the prison, it will only remain for some one to make the same manifest, and the proper correction will forthwith be applied.[3]

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[1] Indiana *House Journal*, 1830-31, pp. 149-50.

[2] The contract which the Governor enclosed is not printed in the *Journal*. It was made in May, 1828, between James Keigwin and the Governor.

I am, sir, very respectfully, Your most obedient servant,

J. BROWN RAY

Ray to the President of the Senate, Transmitting Report on Flax[1]

EXECUTIVE DEPARTMENT,
IND'A. IND'S. Dec. 23, 1830.

HON. MILTON STAPP, President of the Senate:

SIR:—The accompanying circular, on the culture of flax, is an interesting document, and might be copied into a report with propriety, designed to encourage the growth and manufacture of this very useful article in this State.

When six millions of dollars worth of linen manufactures are annually imported, sold and consumed in the United States,

[3] The House committee on the state prison had been requested by a House resolution to report on the number of convicts, their sex and color, the nature of the crimes for which they were committed, and on their treatment. The committee reported on December 30 that there were 34 prisoners, 33 of whom were men; 20 were white and 14 were Negroes; 5 had been convicted of burglary, 3 of manslaughter, 17 of larceny, 3 of grand larceny, 2 of rape, and one of assault and battery with intent to commit murder, one of passing counterfeit money, one of a felony, one of arson, and one of forgery. One prisoner was 11 years of age, one was 14, one 16, and one 17, two were 18, one 19, three 20, four were 21, and several were between the ages of 21 and 25. The committee was not able to learn anything as to the state of the prisoners and the treatment they were receiving. They reported that although they had no reason to suspect the superintendent of misusing the power placed in his hands, they felt that some changes should be made in the laws under which the administration of the prison was carried on. Their recommendations were embodied in the new law which was approved on February 10, 1831. *House Journal,* 1830-31, pp. 207-11; *Revised Laws,* 1831, pp. 512-16. An act was also passed for the relief of the superintendent, which permitted him to be reimbursed for repairs and construction work which he had performed over and above his contract. *Laws of Indiana,* 1830-31 (special), pp. 109-10.

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[1] Indiana *Senate Journal,* 1830-31, p. 147.

which ought to be made by our own citizens, it is evident that the raising of flax has been neglected to too great an extent.[2]

I am, very respectfully, Your obedient servant,

J. BROWN RAY.

John Risley to Ray[1]

BOWLING GREEN IA [December 24, 1830]

J. B. RAY Govenor of the State of Indiana

I inform your Excellancy that the order which you sent to the sheriff of Clay County directing him to cause an election to be held in the several townships in said county on the 2nd saturday of January next for the purpose of electing an associate judge to fill the place of David Christy resignd, came to hand too late to comply with the order in conciquence of the mails not arriving here last week should you send annother order pleas give at least 35 or 40 days from the date of the order[2] Yours &c

Dec. 24th 1830

JOHN RISLEY
Sheriff Clay Co.

[2] The circular was referred to the same committee that was considering the Governor's remarks on the tariff. They reported on December 31 that although the subject of flax raising was of much importance and worthy of attention, yet the age of the State, and the small proportion of its soil prepared for cultivation, rendered it unnecessary and improper to pass any legislative act to promote its cultivation. The existing tariff was believed to impose sufficient restriction on the importation of flax to make it profitable to the cultivator. In England the cultivator of flax made a clear profit of about $35 per acre annually. The climate and soil of the United States was believed to be conducive to its cultivation. *Senate Journal*, 1830-31, p. 178.

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[1] ALS. ISL: Archives Division, Election Returns.

[2] A new writ was issued on January 3, 1831, for an election to be held on the third Saturday in February for an associate judge. Daniel Wools was elected and was commissioned by the Governor on March 4. *Executive Proceedings, 1816-1836,* pp. 394, 395.

Ray to the Secretary of State[1]

EX. DEPT. INDS. INDA. Decr. 24, 1830

JAMES MORRISON Esqr. Secy. of State,

SIR— I hereby notify you, that James Forsee is authorized to receive from your office, such bills, memorials, or joint resolutions, as the Legislature may require to be copied, originating in the Senate, for our representatives & senators in Congress, and to receipt for the same, to be returned as soon as copies are made to your office; and Isaac N. Heylin is authorized in like manner to receive such as may be required to be copied by said authority originating in the H. Rs. to be receipted for and returned as aforesaid.—

Respectfully I am, Sir, yr. obt. Servt.

J BROWN RAY

[1] ALS. ISL: Archives Division, Governors' file.

Ray to the Secretary of State[1]

EXECUTIVE DEPARTMENT,
IND'S. IND'A. Jan. 3rd, 1831.

HON. JAMES MORRISON, Secretary of State and Librarian:

SIR:—Your letter of the 29th ultimo, is on my table.[2] It is well known to you, to *all,* that I have had Livingston's Louisiana civil code in use. The books of the Librarian shew, that I am chargeable with Say's Political Economy. Except these, I herewith send you some late arrivals of Journals of early Congresses of the U. S. 7th vol. laws of Congress and Spark's Diplomatic Correspondence, directed to me in the usual manner; and also, some laws of several of the States in exchange for ours, which is all the information in my possession, relative to your communication, or its accompaniment.

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[1] Indiana *Senate Journal,* 1830-31, Appendix D, 2-3.

[2] On December 29, the Senate asked the secretary of state as state librarian to report to it the number of books in the library, what books were missing or withdrawn and by whom, and particularly whether the civil or penal code of Louisiana, or both, were not some years since sent to the office of the secretary of state or to the governor for the use of the state, and where it could now be found. The request was prompted by the fact that members of the legislature working on the revision of the laws were irked at not being able to find some of the books they needed in the library. They were already in a belligerent mood toward the Governor and became more so on learning that he was holding the Louisiana code which they wished to use. The Secretary of State addressed letters to the Governor, Auditor, and W. W. Wick, former secretary of state. Their replies and Morrison's report to the Senate are printed as Appendix D to the *Senate Journal,* 1830-31. The Secretary

Respectfully, I am, Sir, Your obt. servant,

J. BROWN RAY.

William C. Linton to Ray[1]

INDIANAPOLIS, SENATE CHAMBER, Jan. 11, 1831.

HIS EXCELLENCY, JAMES BROWN RAY:

DEAR SIR—The committee on Education, by a resolution of the Senate are instructed respectfully to ask your Excellency to place in the State Library, subject to its regulations, the Louisiana civil code, which by your letter to the librarian, now referred to the committee, is understood to be in your hands.[2]

The committee trust your Excellency will believe that in being the organ through which the Senate proposes to exercise

reported that the Louisiana code was not listed in the library catalogue. Say's *Political Economy* had been charged to the Governor on April 10, 1827, and had not been returned. The Governor's possession of the Louisiana code became a bone of contention between the Assembly and the Governor. See 618-21, 637-38, 641-42, 646-53 for later correspondence on the subject.

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[1] Indiana *Senate Journal*, 1830-31, p. 503.

[2] See *ante*, 617-18, and note, for earlier developments regarding the Louisiana code. The state librarian's correspondence with state officials and his report to the Senate had been referred to the committee on revision of the laws with instructions to address a letter to the Governor asking that the volume be placed in the State Library. This committee declined to act (Stephen C. Stevens, one of the Governor's nominees to the Supreme Court, was chairman of the committee), and the report and correspondence was then sent to the education committee. William C. Linton, on behalf of that committee, then wrote the Governor. *Senate Journal*, pp. 230, 246, 277-78, 500-2, 503. The Governor's reply follows.

a due degree of watchfulness over the State Library, they will only accord in your wishes and efforts to protect public property, and that they doubt not you will readily communicate any matter tending to promote this object.

By order of the Committee.

W. C. LINTON

Ray to the President of the Senate, Codification of Laws[1]

EXECUTIVE DEPARTMENT, INDIANAPOLIS, INDIANA,
Jan. 11, 1831

HON. MILTON STAPP, President of the Senate:

SIR:—I have received the resolution of the chairman of the committee of education, of this date, requesting me to place the Louisiana code in the State Library. I have complied with the request of this resolution, but not because I recognize in the Senate, any right to make such a call. The Executive of this State, considers himself bound by its *laws,* and responsible for any thing he does, to the people of the State, or their representatives; but, not subject to the direction of a Senate. This volume of laws is placed in the Library, not at the instance of the Senate, but because I discover an evident determination to wrest it from my hands, on the part of *those* who cannot endure the idea of having a code of laws for Indiana, and because I am unwilling further to subject myself to those splenetic effusions which have already signally disgraced the State. Has any man in the State wished to see or use this book? No one has ever requested it of me, since it has been in my possession. This book has never, until *now,* been in the State Library. When I was at Washington, in 1828, I had an interview with Mr. Livingston, the author of it, and informed him that it was my intention to embody its valuable provisions in a code for this State. I found a copy of said code indorsed to me *by name,* in the post office at this place. I have *no* evidence that it is the property of the State, but have made *it so* by voluntarily placing it in the Library. If it *were* the property of the State, why is a different course adopted towards the Executive to acquire it, than against the others? On looking over the books of the Librarian, I discover that books are charged to divers public officers and members of the Legislature, including the Senators—to some recently—to others more remotely—and no credits entered for their return. I found that Judges of the Supreme Court, who had books out, were called upon privately for them, when their use was needed; but the Governor must be called upon *publicly,* with a view of exciting a suspicion of his moral honesty.

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[1] Indiana *Senate Journal,* 1830-31, pp. 249-50. Also in *House Journal,* 1830-31, pp. 500-2.

Furthermore, few can plead ignorance of the fact, that I have had this book in use, as a model in preparing a code, from which, extensive selections of matter were to be made. The course now pursued by the Senate, is considered an attempt to deprive me of the principal book of reference in the prosecution of my design, so as to defeat the project of making a code of laws. It may have that effect.

I would ask in the name of that country, which has placed me where I am, why the Executive of the State is not entitled to equal privileges with other men—with other officers—*with Senators?* Why is he called upon to return a book, whilst a great many volumes of books are out in other hands, even in the hands of *Senators,* and no call is made for them? Why is a different course adopted towards the Governor, than against other men? How uncourteous would it be for the Governor to send his request to each individual who now is in possession of the State's books, to return them to the Library? The executive conceives himself as independent of the Senate, as the Senate can possibly conceive itself of him.—The constitution makes them thus independent of each other, and the Governor feels the obligations of his oath. To the *law,* which the Senate, as a co-ordinate branch of the government may aid in passing, the Executive will submit, but not to their *extra-constitutional* *decrees*. The Governor understands his *duty*, and will fearlessly in all cases perform it.

Respectfully, your obt. servant.

JAMES B. RAY

Ray to the President of the Senate, Nomination of Supreme Court Judges[1]

EXECUTIVE DEPARTMENT,
IND'S. IND'A. Jan. 12, 1830 [1831]

HON. MILTON STAPP, President of the Senate:

SIR: I hereby nominate and appoint jointly for the *advice* and *consent* of the Senate, Isaac Blackford, John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme Court of the state of Indiana.

Respectfully, Your ob't. serv't.

J. BROWN RAY.

EXECUTIVE DEPARTMENT, INDIANA,
INDIANAPOLIS, January 12, 1831.

HON. MILTON STAPP, President of the Senate,

SIR:— The resolution of the Senate of the 8th inst. is before me.[2] That resolution neither specifying a choice of *men* nor the *time* when nominations are expected, is viewed as intending to imply an omission of duty on the part of the Executive, in not having made nominations prior to *this* time. The resolution simply calls for the performance of that act, which *all* admit is the *duty* of the Executive, and which *all* knew from his repeated declarations would take place before the adjournment of the Legislature. Though the Executive has the unquestionable right to appropriate to himself all the time of the present session of the Senate for advisement, as to whom he will nominate to the bench, yet being now prepared for the first time, he brings the constitutional number of names before the Senate. The intimation that he at any time intended to let the Senate adjourn without a nomination, and then to appoint a court, is gratuitous, without evidence, and against his views of the constitutional provisions. If the State is to be without a Court, it is now evident, it will be because the Senate refuse to confirm the nomination.

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[1] Indiana *Senate Journal*, 1830-31, pp. 255-57.

[2] The resolution requested the Governor to make his nomination of persons to fill the offices of the Supreme Court judges, whose terms had expired. *Senate Journal*, 1830-31, pp. 230-31. See below for the original resolution which had been stricken out.

I cannot in justice to myself and the public, close this answer, to the resolution of the Senate, calling upon me to appoint the judges, without laying the whole facts connected with this affair open to general scrutiny. The course pursued, based in its own originality, and without any known precedent, will be amusing if not instructive, to the constitutional constructionist.

It will shew as much as any thing else could, how far we are disposed to regard our charter, in these strange party times; how fruitful the inventive genius of the age is, to strike out new expedients, for the gratification of patriotic desires—for the occupation of forbidden ground.

The last seven years term of the present judges commenced December 28th, 1823, and ended on the 28th of December, 1830. On the *twenty-seventh* of December, 1830, one day *before* the terms of the judges were expired, *before* there was a vacancy, and consequently from repeated decision, before the offices could be filled, the following resolution was offered in the Senate, viz:

"In Senate, Dec. 27th, 1830.

"Mr. Pennington offered for adoption the following resolution, to wit:

"Resolved by the Senate, That James Scott, Jesse L. Holman, and Isaac Blackford, be recommended to the Governor, as suitable persons to fill the office of Judges of the Supreme Court of this State, for the term of seven years from and after the 28th day of this month, and that he be advised to nominate the same to the Senate."

This resolution was pending and *undetermined* in the Senate until the 8th of January inst. when it was stricken out from the resolving clause, and the one before me inserted and passed. If during the life of the first resolution, recommending the old court, the Governor had made a nomination of the men named in it, he would justly have been considered as subservient to Senatorial dictation; and if at such time, he had nominated *other* men, it would, under such circumstances, have been deemed an indelicate and protrusive assumption of prerogative, to forestall the opinions of the advisory body, then having the names of particular men under consideration.

The Executive does not, however, acknowledge the right of the Senate to interfere either directly or indirectly with the *nominating power,* either as to a choice of *men,* or the *time* of their presentation for acceptance or rejection, any more than he does the right of the *nominating power* to interfere with the *confirming power,* believing that neither has the privilege of encroaching upon the other, in this with any more propriety than in other cases. If the executive were to request the Senate, to proceed to the confirmation of *his nominations,* would it not be deemed an unauthorized interference with her separate functions? We would hear a universal sentiment, that such a step would neither be dignified nor respectful—The Executive takes upon himself as much responsibility as the Senate, in forming a court, and both must answer, *not the one to the other,* but to the PEOPLE, for their acts. The Governor now freed from restraint, and after mature deliberation, cheerfully performs the duty required of him by the constitution; *and all that is required.* The period that has elapsed without nominations, though *principally* occasioned by the aforementioned resolutions, can be productive of no other consequences, than the saving of something less than a hundred dollars to the treasury. This is all the answer deemed necessary to the Senate's resolution.[3]

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[3] James Scott, Jesse L. Holman, and Isaac Blackford were the incumbent judges whose terms had expired on December 28, 1830. The constitution provided that the judges should be appointed by the

I have the honor to be, sir, very Respectfully, your obt. serv't.

JAMES B. RAY.

Dennis Pennington to David G. Mitchell[1]

INDIANAPOLIS 12 January 1831

DEAR SIR, this day the Governor nominated to the senate Isaac Blackford John T. McKinney and Steven C. Stevens as suatable persons for the Supreame Court. after dinner, the senate proceed to consider the nomination, (the nomination was made by Governor jointly). And after some time, I prevailed on the senate to seperate them, though warmly opposed by Ewing. you will see the proceedings in the next paper I will send you. Blackford was first considered, and confirmed unanimously McKinney was the next considered, and rejected

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Governor with the advice and consent of the Senate. Since Ray had intimated early in his second term that he would not reappoint the judges, the eyes of the entire state were upon him as the date of the expiration of their terms approached. The general feeling of the people was that the judges were competent and should not be replaced. When the Governor's choice was finally indicated, his enemies charged that he refused to reappoint Scott and Holman because they had declined to aid him in his senatorial aspirations. See *post,* 625. Blackford had opposed Ray for the governorship in 1825, but was not now active in politics and it was claimed that Ray was willing to reappoint him in order to win friends in the Blackford ranks. The term of Senator William Hendricks was due to expire and an election was held by the General Assembly on December 18 to choose his successor. Ray and a number of other persons had been tentative candidates, but in the balloting only the names of Hendricks, Ratliff Boon, John Law, and Charles Dewey appear. Hendricks was re-elected on the fourth ballot. Stephen C. Stevens and John T. McKinney were members of the Senate at this time and it was no doubt because of this that the Governor wished to withhold their nomination until near the end of the session. Woollen, *Biographical and Historical Sketches,* 57; I. George Blake, *The Holmans of Veraestau* (Oxford, Ohio, 1943), 21-23; Adam Leonard, "Personal Politics in Indiana," in *Indiana Magazine of History,* 19, (1943), 256-57; *John Tipton Papers,* 2:325, 348-49, 374, 379; Indiana *House Journal,* 1830-31, p. 137. See *post,* 627-35, 639-41, 642-45 for the later actions of the Senate and Governor respecting these nominations.

[1] ALS. IHS:Wm. H. English MSS.

fifteen to six, lastly Stevens and rejected thirteen to eight. the senate is for the old Court. the Gov. give us a turrible harrang because we called on him for a nomination. there has been a vacancy ever since the 28th last month you will see his message to the senate in the newspaper. And he shall hear from me in a Propper time. He has made repeated attempts with the friends of the old court to get them to promise to support him for the next senator to Congress and I have no doubt but he would of nominated the three old judges, if he could of receaved pleadges to support him for that office. I cannot say who he will nominate next.

No law has passed yet relative to the number of Senators and Representatives. A bill has passed in the House of Repts, And is in committee of the whole in the senate. It contains 78 members in the house of Repts and 28 senators. it will in my opinion undergo an amendment in the senate. I will do all I can to reduce the number. I think it more than likely we will rise about the tenth of next month. the committee of Revision are nearly through, all the Clerks of revision is discharged. The Bill making a uniform mode of doing County business by three Commissioners is a law it provides that the Counties shall be divided in three Districts, and Elect all Township officers—I am well

Very respectfully,

DENNIS PENNINGTON

[Addressed:] Doctor David G. Mitchell Corydon Indiana

Ray to the President of the Senate, Transmitting Communications[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, Jan. 14, 1831.

HON. MILTON STAPP, President of the Senate,

SIR:—I herewith transmit to the Senate, some resolutions of the State of Alabama, approbating the administration of Andrew Jackson, President of the United States, and recommending his re-election.[2]

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[1] Indiana *Senate Journal*, 1830-31, pp. 269-70.

Respectfully, I am, Sir, Your ob't. servant,

J. BROWN RAY.

[2] The resolutions were passed by the Alabama House of Representatives on November 17 by a vote of 64 to 6. Lawrenceburg *Indiana Palladium*, December 18, 1830.

Ray to the President of the Senate, Navigation of Vermillion River[1]

EXECUTIVE DEPARTMENT, INDIANA,
INDIANAPOLIS, January 20, 1831.

HON. MILTON STAPP, President of the Senate,

SIR:—I herewith transmit to the Senate of the State of Indiana, for the present General Assembly, a communication from the Governor of the State of Illinois, together with a memorial of the State aforesaid, this day received, relative to the free navigation of the Vermillion river, and some obstructions in the same. Some steps seem to be necessary, on our part, to insure a complyance with the provisions of our laws, which authorised the erection of the same, complained of.[2]

I have the honor to be, sir, very respectfully, your most ob't. serv't.

JAMES B. RAY.

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[1] Indiana *Senate Journal,* 1830-31, p. 322.

[2] The obstruction alluded to was the mill dam which John M. Colman had built across the Big Vermillion River at Eugene to operate his flour mill. Deputy surveyors had examined the stream and recorded it as navigable. The mill was a convenience to the Indiana people in the neighborhood and they wanted it retained, while the Illinois people living on the upper Vermillion wanted to use the stream to float produce down to the Wabash River and then on to New Orleans.

The question had been presented to earlier legislatures. In 1829 an act was passed which made persons who erected any artificial obstruction across a stream declared navigable liable to a fine of from $3.00 to $500 for every week that they maintained the obstruction; the following year, the Big Vermillion was exempt from the provisions of this act. At the present session an effort was made to rescind this

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
IND. INDS. Jan'y. 24, 1831.

HON. ISAAC HOWK, Speaker of the House of Representatives:

SIR—I herewith transmit to the House of Representatives the accompanying resolutions of the state of Vermont, relative to an amendment to the constitution of the United States providing for a uniform mode of electing a President and Vice President of the United States by the people, without the intervention of electors, and without submitting the decision in any case to Congress, which express an opinion opposed to any such amendment, whatever.

I have the honor to be, Sir, Very respectfully, your Most Ob't. Serv't.

J. BROWN RAY.

Senate Report and Resolutions on the Nomination of Supreme Court Judges[1]

[January 25, 1831]

They have witnessed with undisguised regret in this and an other message of his Excellency . . . a departure from those rules of intercourse between different departments of the gov-

exemption, but did not succeed. Instead, a section was added to the act passed declaring certain streams public highways, which made any person erecting or keeping an obstruction in a navigable stream liable to a fine of $1,000. Apparently this still did not solve the problem for the question was to come up again in the session of 1832. Following this session, John Tipton, then United States senator, was appealed to, to procure a resolution directing the Secretary of War to have the stream surveyed by an experienced engineer with the object of improving its navigation and thus ascertain whether or not it was navigable or susceptible to being made navigable. *Laws of Indiana,* 1828-29, pp. 79-80; 1829-30, p. 94; 1830-31 (special), p. 96; *Senate Journal,* 1830-31, pp. 398, 410, 435, 444, 489; *John Tipton Papers,* 2:572-74.

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[1] Indiana *House Journal,* 1830-31, p. 376.

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[1] Indiana *Senate Journal,* 1830-31, pp. 347-55.

ernment that have been sanctioned from time immemorial, the observance of which appears to be equally demanded by a sense of decorum, and public interest.[2] They especially regret that this infraction of the barrier, which official comity had hitherto successfully opposed to personal effervescence, should have occurred in the midst of an arduous session, devoted to the revision of the laws, and when the unobstructed co-operation of all is emphatically required for the public service. They regret it too because it imposes on the Senate the unwelcome duty of appealing from the disrespectful and unfounded imputations of one department of government, to their common umpire and superior . . . .

. . . .

The appeal of the Executive against injustice committed or intended, accompanied with an insinuation that there was *that,* in the proceedings of the Senate which required *"laying open,"* renders it the imperative duty of your committee, to unite with his Excellency in making a full *expose* of the matter, and should the result of their joint scrutiny shew that the Senate have merited the animadversions bestowed, your committee will be prompt and zealous to recommend an expiation of the offence by a suitable atonement.

The first part of the message under review, expresses a suspicion that the Senate intended by their resolution "to imply an omission of duty on the part of the Executive," and seems to assign as a reason for indulging this suspicion, the fact that the resolution *neither specified* a choice of MEN, nor the *time when* nominations were expected. Your committee are struck with unaffected surprise at this objection to the resolution, inasmuch as the Governor, having explored its history treats with unsparing severity the resolution in its original shape, because it DID contain the names of three gentlemen, agreeable to the mover. That the executive of a state should consider either branch of the Legislature amenable to his censure for the character, style or matter of any motion or resolution, that any individual member should think proper to introduce, is a position as novel as it is extraordinary, and if maintained on the part of a chief magistrate, armed with extensive patronage, would have a direct tendency to crush, and extinguish every thing like freedom or independence in the legislative body.

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[2] See the Governor's communications of January 12, printed above.

In respectfully protesting against a doctrine subversive of legislative independence, they are happy to recognize in the message one sentiment in which they entirely concur, which is, that by *"the admission of all there was a duty to be performed by the Executive in relation to the Supreme Court."* As the presiding officer of the state, sworn to see the laws faithfully executed, it was peculiarly his duty to see the *constitution*, which is the supreme law, carried into effect. The language of that instrument is, "the judiciary power of this state shall be vested in one supreme court." In order to make this part of the constitution operative, it was, as your committee think, the imperative duty of the Governor, not to suffer a chasm to take place in the official existence of the court. When a *vacuum* does take place in this department, the constitution is falsified; because then a state of things exists which renders untrue the first section of the 5th article of the instrument.—If by the neglect or design of the Executive, this official *vacuum* is produced, he is instrumental in violating the constitution he is sworn to support. If this reasoning be correct, it was clearly the duty of the Executive to have made a nomination of judges at an early period of the session, in order to have given the Senate time to have advised him with that deliberation demanded by the importance of the subject. . . .

. . . .

The official existence of the Judges of the Supreme court, terminated on the 27th of December, 1830, or according to the Governor, on the 28th of that month. It was then on the very day or day before the expiration of the term of the Supreme court, that a member of the Senate, [Dennis Pennington] having waited three weeks without hearing from the Governor, introduced the resolution animadverted on in the message. It is impossible for your committee, not to recognize the right of a member to offer that, or a similar resolution. But, actuated by feelings of scrupulous delicacy towards the Executive, they ordered the resolution to lie on the table, where it remained from the 27th of December, till the 8th of January following. It is well known that the Governor was, and is, in the daily habit of visiting the Senate chamber, during the hours of business, and it might have been supposed that such a resolution, lying on the table of the Senate, afforded as delicate a mode of conveying to his Excellency the wishes of that body, or of a respectable portion of them, in reference to the constitutional movement expected from him, as any that could have been adopted. In the meantime, the functions of the court ceased, and it is well known that applicants for a supersedeas, to stay execution on judgments alledged to be erroneous, had in several instances failed to obtain that redress to which the constitution entitles them, in consequence of the non-existence of a supreme court.

Unwilling to acquiesce in a longer postponement of a high constitutional duty, the responsibility of which attached to them conjointly with the Executive, a majority of the Senate acceded to the wishes of the mover of the resolution to take the same from the table. . . . The resolution thus adopted was, on the same day, presented to the Governor, and on the 12th inst. His Excellency responded by laying his nominating and supplemental messages before the Senate.

Your committee having given a plain unvarnished statement of the proceedings of the Senate on this subject, are totally at a loss to divine the cause of that excitement in the mind of His Excellency, that has given rise to the supposition that *"Senatorial dictation"* was intended, or the purity and independence of the Executive assailed.—If indeed that purity and independence on which the public weal so vitally depends, has been impeached or brought in question,—your committee would promptly recommend to both branches of the Legislature the use of all constitutional means to enable the Executive to vindicate his reputation. They concur with him in believing that the several departments of the Government are independent of each other, and that each should move in its appropriate sphere; and should any of their body so far have forgotten what was due to the chief magistrate, or his own dignity as to have made or attempted any unwarrantable encroachments on the purity and independence of *that* department, your committee would not hesitate on proof of the fact, in giving to such a procedure a prompt and decided reprehension, to recommend such measures as would effectually prevent its recurrence. Your committee, however, feel that it is due to their body, in borrowing the language of His Excellency, to say, that "any intimation" of impropriety on the part of Senators, officially or individually in reference to the Executive, "is gratuitous, without evidence and against their views of constitutional correctness."

The near approach to unanimity in the final adoption of the resolution of the Senate appears to indicate a strong solicitude on their part, that the supreme judiciary power of the state, which had been suffered to expire, should be resuscitated.—Nineteen Senators representing the will and wishes of probably 300,000 inhabitants of this State, and without detracting from the ability of any other department, or arrogating to themselves superior discrimination, possessing better opportunities than a single individual, to know the wishes, feelings and opinions of the people they represent, *respectfully* solicit of the chief magistrate, (as he himself admits,) a compliance with the requisitions of the constitution. This is believed to be "the head and front of their offending!" and it really appears to your committee, that a request so obviously in the line of their duty, merited a response less vituperative, than the document under consideration.

The importance of keeping the Supreme Court in being, must be obvious to all. A single failure on the part of a solitary citizen, to obtain redress from that tribunal, which the constitution has established for his use, benefit and protection, involves the betrayal of a most sacred trust. The constitution has confided to the Governor and Senate, the making and perpetuating of this court, and there are those, not unversed in legal and constitutional construction, who entertain the opinion that the two departments, Executive and Senatorial, are coequal and co-ordinate in every movement, in relation to the appointment of the Judges. . . .

Your committee, however, do not deem it necessary to discuss this question or to deliver their individual opinions inasmuch as the power alluded to *has never been exercised by the Senate.* The Executive it is true, with no little sacrifice of ingeniousness, has affected to identify the opinions of the Senate, with those of a single member, and upon such assumption has proceeded to an extravagance of remark, which your committee forbear strictly to characterize.

In relation to the constitutional powers of the Senate, whatever may be said of a "nominating power," your committee entertain no doubt of the right and duty of the Senate, thoroughly to scrutinize every nomination of the Executive, not only in regard to individual qualifications, but also as to the relative fitness and probable harmonious co-operation of the nominees. Hence, their undoubted right to approve one nominee and reject others. Your committee entertaining a deliberate conviction of the right and duty of the Senate, on this point, cannot but regard, as peculiarly offensive, the menace of his Excellency, to hold them responsible for a vacuum on the Supreme Bench, in case of refusal on their part, to confirm his first nomination. Omitting to dwell on the unprecedented character of such a suggestion, your committee repel with appropriate feelings, the assumption therein involved, that the Senate can ever become the silent and passive register of Executive mandates.

Your committee are unable to perceive any foundation for the remarks, "that had the Governor nominated the gentlemen named by the member who introduced the resolution, he would justly have been considered subservient to Senatorial dictation." With as much propriety, in the apprehension of your committee, could the Senate, under our constitution insist, that if they confirmed the nominees of the Executive, they would have been considered subservient to *Gubernatorial* dictation. This mode of reasoning may be well calculated to erect an impassable barrier between the co-ordinate departments of the government, but can never advance the public good. That a Governor should refuse to sanction the advice of a Senate, simply because they had advised him, or a Senate refuse to confirm the nomination of a Governor, because he made it, are the suppositions of a morbid jealousy of prerogative, rather than the wholesome suggestions of patriotism.

Your committee cannot close this report, without repeating the expression of regret which has frequently occurred in the preceding paragraphs, that so grave a matter as a sacred constitutional duty should be weighed against *dollars and cents,* or that a comparison should be seriously instituted between the suspension or obstruction for weeks, of the civil and constitutional rights of nearly 400,000 citizens of Indiana, and the saving of *"something less than one hundred dollars to the Treasury."*

Your committee respectfully recommend to the Senate, the adoption of the following resolutions, viz:

Resolved, That the resolution of the Senate of the 8th of January, inst. is within their constitutional powers, is perfectly respectful and conciliatory toward the Executive, and was called for by the necessities of the country.

Resolved, That on the rejection of a nomination of the Governor, in whole or in part, by the Senate, a decent regard to such performance of their duty, under the most solemn sanctions, and to their superior opportunities of collecting the sense and wishes of their constituents, requires of him to make another nomination.

Resolved, Therefore, That it is not now evident, that if the State is to be without a court, it will be because the Senate have refused to confirm the whole of the late Executive nomination, inasmuch as in such case, as before remarked, it is not only the privilege but the duty of the Executive to make another nomination.

Resolved, That whenever the Executive nominates three persons *"jointly,"* as supreme Judges, the Senate have an undoubted constitutional right, equally with the Executive, to judge of their qualifications, relative fitness and harmonious coalescence, in forming a court, and consequently to confirm one, and reject the other, or to confirm two of said nominations and reject the third.

Resolved, That the nomination and appointment of Supreme Judges, and other officers, before the expiration of the term of office of the incumbents, is not without precedent, and has never been questioned by any judicial decision, and that a contrary course has, except in cases of unavoidable accident, but the single precedent that has unfortunately given rise to these resolutions.

Resolved, That we cannot commend the wisdom of that economy, which, by the saving of *"something less than one hundred dollars to the Treasury,"* falsifies that part of the constitution which provides for the existence of a Supreme court, and thereby practically destroys that provision in the same instrument, which declares "That *all courts* shall be open, and every person, for an injury done him, in his lands, goods, person and reputation, shall have remedy by the due course of law, and right and justice administered without denial or delay."

Ray to the President of the Senate, Nomination of Supreme Court Judges[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, Jan. 26, 1831.

HON. MILTON STAPP, President of the Senate,

SIR: Having received the resolutions of the Senate of the 12th inst. advising me of the action of that body, on the nomination of Isaac Blackford, John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme Court of the state of Indiana, and after maturely re-considering the subject of forming such court, and of persons to compose it, I cannot see that I can make any more judicious nomination than the one already made; therefore, return the *same* to the Senate with a respectful request, that the vote taken on the rejection of John T. M'Kinney and Stephen C. Stevens, may be re-considered.[2]

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[1] Indiana *Senate Journal,* 1830-31, p. 388.

I have the honor to be Sir, Very respectfully, Your ob't. serv't.

J. Brown Ray.

Ray to the President of the Senate, Nomination of Supreme Court Judges[1]

Executive Department,
Ind's. Ind'a. Jan. 26, 1831.

Hon. Milton Stapp, President of the Senate:

Sir:—I have heard that some doubts are entertained, that it was not the intention of the Executive, by his communication laid before the Senate this day, to renominate John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme court. Now, to remove all doubt, I hereby again nominate the aforementioned gentlemen for said office, and respectfully ask the advice and consent of the Senate to the same.

I have the honor to be, Sir, very respectfully, Your most ob't. serv't.

J. Brown Ray.

[2] See *ante,* 621-24 and 627-34, on the appointment of the Supreme Court judges. The Senate on January 12 had accepted the nomination of Blackford and rejected those of McKinney and Stevens. Following the presentation on January 28 of this second letter nominating McKinney and Stevens, the Senate advised and consented to their nomination by a vote of 11 to 10. *Senate Journal,* 1830-31, pp. 259-61, 395-96. See protest against the confirmation, *post,* 642-46n.

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[1] Indiana *Senate Journal,* 1830-31, p. 394.

Ray to the Speaker of the House[1]

EXECUTIVE DEPARTMENT,
INDIANA, INDIANAPOLIS, Jan. 29, 1831.

HON. ISAAC HOWK, SPEAKER OF THE HOUSE OF
REPRESENTATIVES:

SIR,—The accompanying letters of the present and last Secretary of the Treasury of the United States, received yesterday, will shew that there is something wrong *somewhere,* in regard to the $1873 17 due the United States, on the 29th of December, 1821, with interest from that time up to the day of December, 1826, making altogether the sum of $2435 12, on the obligations of the state, which were assigned to the United States by the bank of Vincennes; the last mentioned sum being appropriated, at the time last mentioned, to pay the said debt and interest, by the Legislature of this state.[2] By the said act, the auditor of the state was required to audit and the treasurer of the same to pay the said last named amount of money to John C. S. Harrison of Vincennes,[3] according to the letter of advice then on file, from Hon. Richard Rush, late Secretary of the Treasury of the United States, and the treasurer of state was required by said act to take duplicate receipts from the said John C. S. Harrison, for the payment of the money, and retain one of the same in his office as a voucher for the security of the state (which it is presumed he has done) and forward the other to the Secretary of the Treasury of the United States, with a notice of such payment; which amount of money, it will be perceived by the letter of the Hon. S. D. Ingham, Secretary of the Treasury of the United States, has not been accounted for by Mr. Harrison at that Department. We are again called upon for this money.— The Legislature will feel itself bound to investigate this subject, and if it is found that the money has been actually paid to the said agent of the United States, in conformity with the aforesaid instructions, then to pass a joint resolution setting forth the whole of the facts, to be transmitted to the Secretary of the Treasury, that the demand against the state may be credited and finally settled.[4]

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[1] Indiana *House Journal,* 1830-31, p. 429.

[2] Reference to the treasurer's report, December 8, 1826, above, will show this sum owing. The next report (December 6, 1827) will show that it had been paid out by the treasurer.

[3] Receiver of public moneys at Vincennes.

I have the honor to be, sir, Very respect'ly. y'r. ob't serv't.

J. Brown Ray.

Ray to Dennis Pennington[1]

Indianapolis, Indiana, Jan. 31, 1831.

Hon. Dennis Pennington:

Sir—Understanding that you have *privately* addressed some notes to gentlemen of this place, in behalf of the committee, to whom my communication to the Senate relative to the Louisiana code, was referred, touching matters of *fact,* which you suppose form a part of said communication, with the view of collecting materials in an exparte way, for my censure, I must in justice to myself and in hostility to such an unfair course, request of you, and through you, of the committee, (as I have already verbally done ineffectually,) that in any matter before you involving *facts,* or private rights, affecting my veracity or standing, you will specify the *points* in controversy, (if any) in writing, and furnish me with a copy of the same; and give me an opportunity of being heard in the premises, *previous* to condemnation, so that the *whole* facts may go together.[2]

I regret that my communication *now* before the committee, *is not* understood, because, to avoid prolixity, every sentence

[4] The Governor's communication was referred to the judiciary committee. They in turn referred the matter to Samuel Merrill, state treasurer, who apparently replied that money had been properly turned over to Harrison. The Senate also passed a joint resolution relative to this matter, but it apparently was lost in the House for it was not printed with the session laws. Indiana *Senate Journal,* 1830-31, p. 478.

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[1] Indiana *Senate Journal,* 1830-31, pp. 504-5.

[2] See *ante,* 617-18, 618-21, and notes; and *post,* 641-42, 646-53.

was not accompanied with reasons or explanations in *extenso.* As it has been intimated, that the committee, doubt whether my communication was not *intended* to set up a claim to said code as individual property; and whether I did not intend to convey the idea, that I had received it *since* I conversed with Mr. Livingston in 1828, I take this occasion to say, that such was neither my *language* nor *intention.* This book, I always treated and considered as the State's, from the time it was received, in the absence of evidence that it was so in fact, and I intended depositing it in the library when I had *done* with it, and not before.

If there is any *other* thing ambiguous or doubtful in said communication, I shall expect that the committee will afford me an opportunity to *explain* or contest it.

I have the honor to be, &c.

JAMES B. RAY.

John McDonald to Ray[1]

WASHINGTON DAVIESS COUNTY IA, February 5th 1831

TO HIS EXCY. J. B. RAY

SIR, We had an election for a justice of the peace some time since, and the returns have been forward I am told. We have been looking for a commission to Mr. Arnold for three mail in succession but none have come. I would be glad to know if any thing or obsticle is in the way which prevents his commission from being sent to him

A number of the citizens are interested, myself more particular he being the successor of my son who has left unsetled business on his docket and I am anctious for my son's credit to have the docket in the hands of his successor as soon as possible that the same may be closed

I am with due respect your obedient servt

JOHN McDONALD

[Endorsed:] Secy will please answer the within. Ray Gov. Morrison Secy.

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[1] ALS. ISL:Archives Division, Election Returns.

[Endorsement of Secretary of State]

Mr. McDonald's complaint is groundless. The certificate of election is dated 1st February. The election was held 29 Jany. The commission was issued 15 February & forwarded. How a commission could have been looked for *3 mails* previous to his letter, for an officer who was only elected 7 days before the date of his letter is rather singular.

The foregoing are the facts, and from them I would conceive an answer unnecessary—

Gov. Ray J. MORRISON Secy

Ray to the President of the Senate, Nomination of Supreme Court Judges[1]

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, INDIANA, February 9th, 1831.

HON. MILTON STAPP, President of the Senate,

SIR: Having read in the NEWSPAPERS, a report and some resolutions, purporting to have emanated from Dennis Pennington, as chairman of the committee to whom my communication relative to the appointment of Supreme judges, was referred; and finding that they contain sentiments tending directly to endanger our institutions and excellent constitution—are *hypothetical* and *delusive* in their assumptions and deductions, and were intended to operate upon the Executive of the state, without furnishing him with an *opportunity* of answering them, he is *driven,* therefore, to the unpleasant necessity of respectfully requesting, that the Senate will furnish him with an *official* copy of the same, to enable him to answer them, at *as early* a day as possible, before the close of the session.[2] He is *informed,* that the report and resolutions are lying upon the table, subject to be taken up and acted upon at a late hour of the session, when all his time will be required for other official duties, than that of so necessarily answering the *alarming* doctrines of the said report and resolutions. The present task is, in truth, an unwelcome one, of requesting the senate to do, in this instance, what has been the *custom* of that body, in all similar cases, heretofore, to furnish the Executive with copies of all proceedings of that body, requesting of him the performance of any act, to enable him to *comply* with the request made, or offering his reasons for *not* doing so. When he looks back, however, to scenes which have taken place, in the *last hour* of a session, when a Senate chamber was made the theatre of attack, upon motive (which Senators knew nothing of) as well as conduct, upon an Executive, not anticipating the *secret blow,* who was then labouring for the accommodation of his conspirators, that they might return towards their homes and families in the following morning; and to the resolves passed WITHOUT NOTICE to him, or even any thing taking place but an EXPARTE investigation, (*on one side without notice to the other,*) and for nothing but the performance of a constitutional and legal duty, or act; he must, however, admit one exception, and be admonished to be aware of a repetition of the parallel of the "Ides of March." If the lawmaking power shall have abandoned the exercise of their legitimate functions, to perform *which* and nothing but *which,* the people gave them license to exercise an INQUISITION and SUPERVISION over the officers of the people, in a way UNKNOWN to the constitution or the laws, and for the gratification of personal feelings, and fatal to *liberty* and an equality of rights; the intended VICTIMS of such a *persecution* under the mask of official sanctity, are entitled by all of the known rules of justice, to at least the privilege of the highway robber—the *inestimable privilege of being* HEARD. And when *lawyer malice* and *long cherished revenge,* are permitted to constitute the thirsty stiletto in the hand of a Casca, reckless of *sacred ties,* the law, constitution, customs, or *"official courtesy,"* or *"official* comity," or immemorial *principles,* or *usages;* of another's feelings or another's *name*—it is *time,* that the sword of TRUTH, and *justice,* were performing its *eternal* office. The priceless shield of the officer and the citizen, is the right of uncovering the *unseen* assassin that lurks in the dark, pouring atrocious calumnies into the ears of my *compeers* in *power;* and of exposing the guilty crimson of their faces to the world, for encouraging my *self-appointed* judges, at the sacrifice of all legislative harmony, to do what they have not *courage* or *honor* to do themselves.

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[1] Indiana *Senate Journal,* 1830-31, pp. 516-18.

[2] The report and resolutions are printed above.

If our seats of honor, under the semblance of *official privilege,* are to be occupied at the same time, by the *dictator, lawmaker, prosecutor, persecutor, witness, attorney* and *judge,* merely to distill slanders and venom in the public ear, without the power of following up the daring stroke by any legal *decree, then,* the right of self defence to the injured person, or *officer,* is as evident as the outrage which makes it necessary, is unmerited and unprovoked. Honor must have lost its influence, in the bosom of man; magnanimity ceased to swell the soul of the Senator; prejudice must guide his passions, and *design* overpower justice, or my request will be granted. I ask this document, not as a favour, but in the name of *equal rights and eternal justice.*[3]

I have the honor to be, &c.

JAMES B. RAY.

Ray to the President of the Senate, Louisiana Code[1]

EXECUTIVE DEPARTMENT,
IND'S. IND'A. Feb. 9th, 1831.

HON. MILTON STAPP, President of the Senate:

SIR—I am told, that the committee, to whom my late communication, relative to the Louisiana code, was referred, after

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[3] This communication from Ray was read in the Senate on February 9. The following day a resolution was adopted to exclude it from the pages of the *Journal* inasmuch as it contained no information relative to the affairs of state and recommended no measures for Senate consideration and therefore should not be considered as an official document. John M. Lemon and John Ewing protested against its exclusion. Although there is no record that the resolution was rescinded, the communication was printed with the other Senate proceedings. *Senate Journal,* 1830-31, pp. 525-26, 535-36, 537-38.

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[1] Indiana *Senate Journal,* 1830-31, pp. 518-19.

privately collecting INQUISITION, certain certificates of my implacable political enemies in this town; and after DENYING to me the right of being *heard,* in regard to any matter that they might be investigating, effecting my *veracity* or standing or involving *facts,* touching the said communication, *even* after such demand for defence was made, both *verbally* and in *writing,* of the committee—have made a report to the Senate, on the same, accompanied with certain certificates as aforesaid, intended as an ATTACK upon me, as a *man* and an *officer;* I therefore request the Senate to furnish me with copies of the said report and the annexed documents, at as early an hour as possible for my investigation, that the General Assembly, now almost ready to adjourn, may not be delayed in consequence of this report being withheld until now, giving me at MOST but a short time to answer it; and that time called for by the pressing duties of my office.[2]

Respectfully yr. ob't. serv't.

JAMES B. RAY.

John Watts: Protest against Vote on Confirmation of Supreme Court Judges[1]

[February 10, 1831]

The undersigned after a long course of public service feels conscious, that the infirmities of age imperiously require his retirement from the theatre of public life. He bids farewell to his friends and associates in the Senate, with the feelings of a father and brother. He thanks them publicly for the undeviating manifestation of regard towards him, which they have exercised collectively and individually. He regrets on taking his leave of public life, that his obligations to his country and himself require any thing other than the expression of satisfaction and approbation. He regrets particularly that of the head of the government he should be obliged to record a single disrespectful sentiment. He has been one of the earliest and warmest friends of the present Executive, and has made numerous and repeated efforts to cause his administration of the government so far as it was correct, to be favorably regarded by the public. He is connected with the Executive by the ties of affinity, and was one of the last of his early friends and supporters who felt compelled by stubborn facts to renounce the favorable impressions he once cherished. But prepossession and partiality and even domestic considerations have their prescribed limits, and when all these come in conflict with the solemn obligations enjoined by official and constitutional duty he cannot hesitate in the course he is bound to take.

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[2] See *post,* 646.

[1] Indiana *Senate Journal,* 1830-31, pp. 543-45.

Under these impressions with respectful deference to the feelings of his brethren, he avails himself of his constitutional right, solemnly to protest against the vote of the Senate on the 28th of January, *confirming* the nomination of John T. M'Kinney and Stephen C. Stevens, as Judges of the Supreme court of the State of Indiana, for the following reasons:

First, Because the said nominees were members of the Senate and the constitutional advisers of the Governor for filling the very offices to which they were nominated and renominated. By the 20th section of the 3d article of the constitution of Indiana it is provided that "no member of either branch of the General Assembly during the time for which he is elected, shall be eligible to any office, the appointment to which is vested in the General Assembly." The object of this wholesome provision, it is believed, was to guard against the undue influence of members of the appointing power over each other, and against all corrupt bargains of interested coalitions. For these reasons if the said appointments did not infringe the *letter,* they most certainly violated the *spirit* of the constitution.

Secondly, It was at the time of such nomination and renomination a matter of notoriety that the Governor had declared that he would nominate no man or men to that office, who would not previously give him a pledge and assurance of future support and assistance in his efforts to be elected to the Senate of the United States, and the undersigned declares on his oath as a Senator, that the Governor so far forgot both duty and decorum as to make known to at least one member of this body what he called his determination on this subject.

Thirdly, A belief that the first nominee did not possess the superior qualifications required for so important a station, and a want of confidence in the integrity & moral character of the 2d. The undersigned believes that a character, once forfeited, however repaired by reformation, or varnished by the appearance of popular confidence in one or more counties, should never be placed in the first ranks of society, still less entrusted with a participation in the Supreme judicial power of the state.

Fourthly, The former inveterate hostility existing between one of them and the Governor, are strong additional reasons with the undersigned, for disapproving said nominations.—These sudden reconciliations for the obvious purpose of personal advancement bode no good to the public, nor for the future harmony of the court.

Fifthly. The general belief and almost universal persuasion that the old judges possessed the confidence of the people, and then disregard to public opinion manifested by the contemptuous dismissal of men of respectable talents, irreproachable morals and faithful services, to make way for men who, (morally and intellectually speaking,) cannot but be regarded as their inferiors are additional reasons with the undersigned for disapproving said vote. This treatment of men, whose stern integrity would not permit them even to make professions of future political support, a passport to office, deserves it is believed marked reprehension.

Sixthly. A general suspicion, which is daily gaining ground, that the Governor has a personal and pecuniary interest in laying a majority of the Supreme court under obligations to him, for their nomination and appointment. This circumstance, coupled with the known fact that the Governor contemplated a resignation of his office, for the purpose of procuring from the gentleman, who would in that event have been his successor, a nomination to the Supreme bench, and his failure in that attempt as well as his failure to pre-occupy the vote of the Senate, in reference to that contingency and his reiterated nomination of these gentlemen, *all* bespeak sinister views and personal objects, and furnish of themselves, in the opinion of the undersigned, a decisive objection to said appointments.

Seventhly. The prostration of the dignity of the Senate in allowing themselves by the menaces of the Governor on the one hand and the abject solicitation of nominees on the other, to recede from their first stand on principle, and become the passive instruments, of a Governor who had so recently been grossly wanting in common justice as well as courtesy towards them: and

Lastly. It has always been the opinion of the undersigned that the conferring of judicial power, especially on men who exercise it in the last resort, should be the result of cool, deliberate reason, guided by an exclusive reference to the public interest in weighing the character, talents and acquirements of the contemplated functionaries, and that the judicial office should *never* be the subject of *bargain, barter, coalition* or *arrangement* of any kind, personal or political, independent of the above exalted considerations; and the violation of this cardinal and sacred principle, both by the Governor and the joint nominees, induces the undersigned to renew and record on the journals of the Senate of Indiana, his solemn PROTEST!

February 10, 1831. JOHN WATTS.[2]

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[2] Judging from the report of Watts's speech given in the Indianapolis *Indiana Democrat,* February 12, 1831, only a part of it was published in the *Senate Journal.* The account in the *Democrat* was as follows: "The Senate and Governor Ray got at loggerheads on the subject of the nomination of the Supreme Judges, and several reports, resolutions and messages passed between them, not very courteous in their character nor decorous in language, abounding in severities and insinuations. This state of affairs continued, progressively, until Wednesday, when it was blown into a perfect hurricane by a message from Gov. Ray, which went to impugn the motives of members of the senate in relation to sundry matters. The venerable and highly respectable Senator from Dearborn, Judge Watts, arose in his place, and in a strain of eloquent, pathetic and manly language portrayed the whole political *rise, progress* and *fall* of the *Governor.* . . . Judge Watts stated that he had been the early patron and protector of the governor, that he has been a member of his family . . . but that the time had arrived when he felt

Ray to the President of the Senate, Louisiana Code[1]

EXECUTIVE DEPARTMENT,
IND'S. IND'A. Feb. 10th, 1831

HON. MILTON STAPP, President of the Senate:

SIR:—Last night at 12 o'clock, in answer to my call, I received the report of the code committee, with its accompanying documents, of yesterday, for the *first* time, for an answer; and to day the legislature adjourns.[2] I have reason to believe, that this report has been kept back until now, in order to place me in the dilemma it finds me, of not being able to answer it satisfactorily for the want of time. My table being crowded with bills, for examination and signature, I can only appropriate to myself a few minutes, to give it a passing notice. On looking over it and its accompaniments, the mind spontaneously enquires, is it possible, that this document has received the sanc-

it his imperious duty to raise his voice against him. . . . He proceeded to detail the acts of Governor Ray since the time he first determined to be a candidate for the United States Senate. The means he had endeavored to enlist in his behalf in order to effect his designs; that he had conveyed to the ears of the old judges that their renomination depended on intimation from them that he should be supported by the men whom he would nominate. That one of the gentlemen who had been nominated, had been proverbially the reviler and opposer of the governor, and that the Executive of the state had thrown aside the dignity of his station and patrolled the state electioneering for the office of Senator by holding forth the patronage of his station especially the seats on the supreme bench. . . . He stated that disgrace had fallen upon the State by election of such a man as governor. . . .

"The Governor sat in the lobby and heard this withering denunciation as it fell from the lips of the hoary headed Senator. He arose and attempted to defend; but it was like darting straws against the wind. In a few moments he sat down, surrounded by an immense crowd of hearers who although they must have pitied one so overwhelmed, yet audibly muttered a general assent to the justice of the chastisement."

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[1] Indiana *Senate Journal,* 1830-31, pp. 546-52.

[2] The report of the select committee to which was referred the Governor's letter of January 11 (see *ante*) and other correspondence regarding the Louisiana code is printed in the *Senate Journal,* 1830-31, pp. 500-10. It includes letters from various persons telling when they had seen the code in the Governor's possession. The committee was evidently trying to discredit the Governor's statements concerning the book.

tion of a *majority* of the Senate of Indiana? or sprang from one of its committees. Are there tribunals, in this young and vigorous republic, which so early in its history, have sunk from the lofty bearing of law-givers, down into the little contemptible office of retailing tergiversations, unjustifiable insinuations, misrepresentations, and the stale lumber of malice and revenge? The names of such men as Merrill, Morris, Henderson, Gregg and others, introduced into the report, as *certificate makers,* with whom I hold no communication, who have been chained together in this place and known as the leaders of the Indianapolis *faction,* for years, and fanning the flame of an untiring persecution against me, from the most degrading official scrutiny, into the sacred and inviolate relations of the domestic circle, must invite the honest enquirer after truth to investigate the whole subject in controversy, with untiring diligence. The fact too, which will hereafter be made manifest, that these men have given their certificates, merely to make a display of their *names,* without attempting to prove any difference in issue between the Senate and Governor, or to shew *any,* the *slightest* impropriety in the latter, argues either a lamentable depravity in them, or that the committee were driven to extremities to ferret out by *private inquisition,* something, however chaffy, to constitute an apology for seeking a rupture with the Executive about a *mere* book—the *mere use* and possession of a *book.* When the people of Indiana, and we may say of the Union, learn the theme of this difficulty, which has been preying upon the State Treasury, how they will admire it! Can they applaud that patriotism and that economy, in Senators, which, for the sake of arraying their names against their Executive, uselessly spend their money and stigmatize their government, in a *petty* and *unnecessary* wrangle about a *law book?* If there is any thing which can be ranked amongst the superlatives of *littleness,* it is this procedure. The report will doubtless triumph, not amongst honorable and generous men, but amongst those whose prejudices operate as a spell upon their conduct. I pronounce this report, and all its paraphernalia of *official slander,* deceptive. It is designed and calculated to mislead a community. And if I do not shew that it has neither claims to truth or honesty of purpose, candour nor sincerity, let me be condemned for my presumption in dissecting it.

The first part of this report, which selects several *parts* of sentences from my message, and applies them to the Senate, though not so expressed or intended by me, though intended for those *only,* who have been the cause of the present difficulty, and whose fears of the appearance of a *code,* have a relation to their purses, is passed by, with the remark, that if the Senate is determined to apply to itself those allusions, it is not in my power to prevent it.

In the next place, the report goes into by-ways to drag to view, that the Governor had fifty volumes of books, which he deposited in the Library on the 3d January, without any explanation as to the manner they came into his possession.—This is rather an disingenious insinuation. This will be explained in the fact, that all public documents, books and laws, yearly, from the twenty four States, and laws and journals of Congress, come through the post office to the Governor, and these were late arrivals, which he, as usual, deposited in the Library.

The next part of the report which I shall notice is, a disgusting attempt to make the Governor, set up a claim to private property, in the Louisiana code, by severing entire sentences from his message and throwing them together, as different members of the *same* sentence, altering the punctuation and changing the sense, when there is nothing expressed or implied in his message, of such a claim being set up to the book: nor did he ever intend to alledge such a claim, but has expressly stated, in all his communications on this subject, that he considered the book the property of the State.

The Executive communication, which the report says, sets up this right, is on your journal to be seen, to which I refer the reader for the truth of this assertion. And I also refer him to the same, for the truth of the assertion, that this report detaches three *independent* and *distinct sentences,* conveying three *distinct* and *separate ideas,* from my message, relative to the property of this code and when received, neither of which intimate that it was considered private property, or that it was received by me, *after* the conversation with Mr. Livingston in 1828; and these three sentences are consolidated into *one* in the report, for the purpose of giving a false interpretation to my language; and so punctuated, as to make me say in connexion, what I do not say, in my message, in order to manufacture an issue to let in, as applicable, the certificates collected *privately,* by the committee. The reader is earnestly called to a strict comparison of the language, really used by me, and that attempted to be *recorded* as *mine*, which is disclaimed. This being the case then, all of the certificates which aim to prove, that this book has been in my possession for years, appear to be without any object whatever, as they prove the *identical* same thing, which I admit, and have never denied—the same thing, FACT, which I admitted to the committee verbally and in writing—the same *fact* which I laboured *in vain* to impress them with the truth of; the same *fact,* which the committee knew at the time they made their evasive report, to be my expressed intention.

The next part of the report worthy of notice, is a repetition of the insinuation, that the Governor's moral honesty was at stake, for keeping this code in his possession so long. Those very men and Senators, yea, the whole country knew, that this book was in my possession, as an important aid in forming a code of laws. The fact that it was, was published by me officially and privately, and Senators have examined it in my own house and knew for what reason I had it, and that *that* was a public reason. This has been for years, a matter of as much notoriety, as that the Senate annually meet at Indianapolis to enact laws. The Governor does not know where the committee finds the evidence for the assertion, that the Governor ever promised to have a code ready for the year 1829, or positively at any other time; and he will now add, that if he had it ready, he would not submit it; and perhaps will never write another article as long as the Senators occupy their places who have passed condemnation upon it, before they know what it contains. That the assertion is unfounded, that the Governor when called upon at the early part of the session, relative to the code, gave no satisfaction, he appeals to his response to that call, in which he did give all the satisfaction in his power.

In answer to the intimation, that the Senate wanted the book, I beg leave to refer to the report of the revising committee of a different character, and to assert; that if any Senator or other public officer, had intimated that he wished to use it, it would have been forthwith put into his possession.—This looks like a finished finesse, to excuse the attack. It is like the expressions of regret, that the Senate were driven into this controversy, when they originated it.

The Governor repels with indignant feelings, the intimation of the report, that he in the slightest particular "slandered or misrepresented" the Senate. These general terms are used without even an attempt to specify wherein this was done. It is impossible to make such a specification, or it would have been done. The Senate cannot point their finger to a single particular, wherein this is true. It is boldly and fearlessly challenged to this task. It must shrink from it. Is it the intimation, that books were at the date of my message, "charged to divers public officers and members of the Legislature, including Senators; to some recently; to others more remotely, and no *credits* entered for their return," which is a slander and misrepresentation? If this is what is meant, I then appeal to the public record in the Secretary's office, which *then* and *now* shews such charges, in staring *capitals,* and no credits for the return of the books charged; and charged, too, to some of those very Senators who voted for said report. A reference to the annexed report of the Librarian, will prove what I say.

The Governor did not charge Senators with *impropriety* in having books from the Library: he only charged the fact that they had them; and his object in doing this, was to shew what was a virtue in the Senators, could not be a vice in the Governor. The Librarian's certificate does not embrace the charge therefore, and is like the other certificates, wholly unmeaning in its connexion to that report.

The note which was addressed to the chairman of the committee, whilst it had the subject before it, had for its object, to defeat what he was informed was on foot, a *secret inquisition,* into the information which citizens might possess, relative to a point not denied, and to provide for himself the customary privilege of defending himself against the machinations of the secret conspiracy which he knew was formed to destroy and ruin him, by a *secret* and one-sided investigation. The committee treated this request with unqualified contempt. They did not even *deign* to answer it. They denied me the sacred right of defence. They refused with their customary "official courtesy and official comity," to furnish me with an opportunity of offering any evidence I had, to controvert or explain the matter they had in hand. And after making their report to the Senate, their chairman made a speech against giving me a copy of the same, when denied, to enable me to answer it. What now, has become of the boasted constitutional privilege of one's meeting his "accusers face to face." Here is a case where a citizen of Indiana, has been accused, tried, condemned and anathematized, without notice, in *secret,* without allowing him to be heard, though demanded, by a tribunal which, combined in itself, the tripple office of accuser, witness and judge, determining in its own case, and that a case of its own making. In vain! in vain! shall we now be told, after the decree is stamped with official sanctity, that their Governor is not a slanderer, that he may yet answer.

Tell the criminal under the gallows, the moment he is to be hung, after sentence has passed upon him, that he may *then* defend himself, and he would view the offer as the *heighth* and *depth* of human wickedness. Sir, when was ever committee raised to pronounce a citizen, an officer, a "slanderer;" and when was it ever done in a republic, or even a monarchy, except in the ages of barbarism and cruel tyranny, that he has been denied the right of trial, openly, as in this case? I hurl this accusation back upon my accusers, and demand the proof of the charge before my country, in the public prints, where I know I can be heard; or it shall fasten upon those who gave it publicity, there to stain their characters through the lapse of ages. If the Governor has slandered the Senate, why cannot it point its finger to the instance? *General* denunciation will not do. The Governor proves as he asserts; why does not the Senate do the same? O, land of liberty! witness the age of *persecution.*

I this morning addressed a note to the Secretary of State, calling upon him to specify the names, on a memorandum, of persons who are charged on the books of the librarian with books, and the *time* of such charge, and to whose names no *credit* appears to be entered; to which I received a note from the librarian, declining to comply with my request, for *the want of time.* I then sat down to the books of the librarian, and copied amongst many others' names, the following, to shew that what I have heretofore stated, is correct:

Judge Blackford, charged with Jefferson's Notes, Nov. 15, 1829—no credit.

Calvin Fletcher, 1 vol. Russell's Modern Europe, charged Dec. 7th, 1829—no credit.

Mr. Worth 33d and 34th vols. Waverly, charged Dec. 12, 1829—no credit.

Dennis Pennington, acts of 1824, charged Dec. 12, 1829—no credit.

Mr. Blair, special acts of 1824, charged Dec. 12, 1829—no credit.

General Depauw, special acts of 1824, charged Dec. 30, 1829—no credit.

Samuel Merrill, 2nd vol. Robinson's America, charged Aug. 1830—no credit.

Mr. Pennington, acts of Congress 1825-6-7-8, charged Dec. 6, 1830—no credit.

A. Worth, 8th vol. Waverly, Dec. 31, 1830—no credit.

Judge Watts, Journal 1817-18, charged Dec. 8th, 1830, no credit.

C. Fletcher, 1st vol. Dip. Correspondence, charged Jan'y. 3d, 1831—no credit.

Mr. Graham, 17th vol. Waverly, charged 25th Jan. 1831—no credit.

The above, besides a great many other charges without credits, to Senators and others, stand as named upon the books. I do not give the said names, because it is supposed that any one of the gentlemen have acted improperly, or to insinuate that they have the State's property now; but to shew, simply, the truth of my statement in my message, and the custom of the office.

The Governor, in his message of 1827, notified the Legislature, that he *had* Livingston's code then under examination. How, then, could any one understand him, as intending to say or insinuate, that he had received it *since* 1828? There is in this attempt at injury, the grossest injustice.

The Governor cannot understand the object of Mr. Merrill's letter. I will, however, make a remark to suit all the meanings intended by it. It is this: Not only the present Governor, but all former Governors, have paid the postage of books and laws sent by mail to this state, out of the contingent fund. It was their legal right to do so. The propriety of doing so, never has been, nor never will be questioned.

I have not time, the Legislature being at the point of adjourning, to say more, in answer to this report and documents now. I may have occasion to notice them in the papers.

I conclude by solemnly declaring, that what is not untrue in the same, is ungenerous, and shews no impropriety on my part, for any thing they have assumed to establish.

We are indebted to certain *lawyers,* who are inimical to a *code,* for all of this trouble. It is one of the fruits of placing them where they are.

In haste, I am, &c. yrs.

JAMES B. RAY.

N. B. The above is the production of a few minutes, and may be imperfectly written.

RAY

Ray to the President of the Senate[1]

Executive Department,
Indiana, Indianapolis, February 10 1831.

Hon. Milton Stapp, President of the Senate,

Sir—I wish to notify the Senate, that I shall not hold myself responsible for the reports of the committee of enrolled bills that they have laid before me the bills of the present session for signature. The Senate will, therefore, discover the necessity of seeing that all the bills they have passed, are filed in the Secretary's office.

I have the honor to be, Sir, Very respectfully, Your most ob't. serv't.

J. Brown Ray.

Ray to the President of the Senate[1]

Executive Department,
Ind'a. Ind's. Feb'y. 10, 1831.

Hon Milton Stapp, President of the Senate,

Sir:—Understanding that the Senate have, by solemn vote, excluded an Executive communication, made to it, in answer to a report of the committee to whom my message, on the subject of the Supreme court, was referred; I therefore request that it may be forthwith returned to me, that I may publish the same in the public prints or otherwise, as I may think proper.[2]

Respectfully, your ob't. serv't.

James B. Ray.

[1] Indiana *Senate Journal,* 1830-31, p. 546.

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[1] Indiana *Senate Journal,* 1830-31, p. 553.

[2] The communication is printed *ante,* 639-41n. Although the Senate voted to exclude it from its proceedings, it is printed there.

Ray to the Editor of the *Indiana Democrat*[1]

INDIANAPOLIS, IA., Feb. 15th, 1831

MR. A. F. MORRISON, Editor of the "Democrat."[2]

SIR—Whether your brother James Morrison Esquire, Secretary of State, Attorney and Counseller at law, &c. &c. &c. is not in a fair way to acquire the fame of a *prodigious brave, honorable,* and *great* man, by skulking behind such a libeller and driveller as yourself, into security, to add *insult* to *injury,* in making an attack upon me through your unenviable self, such as adorned the columns of the last number of the "Democrat," is a question about which, there will not be much difference of opinion.[3] Ranking you both as equals in meaness and false-

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[1] Indianapolis *Indiana Democrat*, February 26, 1831.

[2] Morrison's explanation for publishing this communication from the Governor was that it was particularly abusive of himself and his brother. "We would not give publicity to such a scurrilous and blackguard attack on any individual, if our own name was not connected with others." We feel "deep mortification for the degradation in point of character, to which our State has been reduced by having unfortunately clothed such a man, with the robes of official dignity. . . . "

[3] The *Democrat* of February 12 had reported on Judge Watts's speech and the Governor's reaction to it (see *ante,* 645n-46n), and then went on to say, "In a phrenzied heat, the governor lost all controul of his cherished dignity, and on Thursday a most disgraceful scene was exhibited in the office of the Secretary of State. He repaired thither and got into altercation with the Secretary in relation to the fact of members of the General Assembly having books belonging to the State library, which is intended for the use of members and others, and wished the Secretary to furnish him a list of the books in the hands of the members in order that he might justify himself for having kept books of importance out of the library for more than a year.

"The Secretary was engaged . . . but gave him the library record to examine. The Governor sat a few moments examining the book, and in a rage of passion arose and seizing a chair, poised it in air threatening to 'knock out the brains' of the Secretary. The Secretary undismayed reproved him for his undignified conduct and told him of the meanness of his course, questioning at the same time the veracity of his assertions and the courage of one who thus assayed to act the bravado. The general attendance of the members of both Houses soon caused the Gov. to draw in his horns, and to calm down his anger."

The legislature was on the point of adjourning by this time and, as was customary, waited on the Governor to learn if he had any further communication to make to them. He informed the committee hood; believing that it is the design of the *dis*-honorable Secretary, *the iron-fire-Shovel-Hero,* to excuse himself from responsibility, and to involve me in a quarrel with your *distinguished self,* because you have it in your power, to take the advantage of me, by abusing me in virtue of your venal station as Editor. I shall dismiss *you* at present, as beneath my notice, under the consolation, that the pen of an admitted slanderer can injure no one. Mr. Editor Morrison, being the mere *chalf* and *scum* of the excrescency of a lamentable party spirit, under an organized surveillance, chosen for his flexibility of character and pragmatic skill, shall join no issues, with me. He may rave as a madman, and toss his folly to the winds; and his *master's* may enjoy the luxury of his *coup de main.* It is to be regretted, however, that another *pair* of hopeful *brothers,* have enlisted under the banner of the merciless *persecutor*: because Senators have votes to give; the Governor none. "Insasiate archer will not ONE suffice?"

The undersigned, in his own *time* and in his *own way,* and in his own *name,* Intends to prove (not assert) that your one sided remarks, in your last paper, under the caption of "Close of the Session," is a willful representation of the circumstances you essay to notice, as it regards himself. You have given every thing untruly, by not stating the *whole* as it occurred. It is like all other *malicious* productions, *garbled, partial,* and *unfair;* and is in character with yourself. The public will, doubtless, suspend their opinion about this affair, until they hear or see the proofs, which it will be my duty to lay before it. It will *then* become manifest, that from the time I became a candidate, this winter, for the Senate of the U. States, in Congress, to fill a place to become vacant two years hence, and announced my intention of treating the election as a popular one, and appealing directly to the *people* for support, that all of the Aristocrats (some of whom have adopted the imposing name of "*Democrat*;") all of the friends of supposed opposing candi-

that "he had further communications to make," but the House and Senate disregarded this message and went ahead and adjourned in the presence of the Governor.

dates who have been making their arrangements to ride into the Senate upon the back of Gen. Jackson or Mr. Clay; my old inveterate enemies of this place and elsewhere; "the Indianapolis faction;" certain disappointed Senators, who could not lash me into their selection of Judges; the extremes of parties, and party men, who have no hope of obtaining office but by "Keeping up the excitement," as they call it, to delude and gull the people; the pensioned Press; the blood Royal from the East, the Noble's of the State, the parchment-holders, and the Green-bag-tribe; the envious and the interested; quandam friends maddened with party rage, and insidious enemies, "Scotched but not killed"—were consolidated into one general *conspiracy,* and raised the "hue and cry" against me, to *ruin,* if possible, my prospects for congress, at the outset. It will not all do. The Press may groan under the load of its calumnies: combinations may form and re-form to break me down: conspiracies may thrust me with their poisoned arrows at every step; envy and design, may poise their lance at my bosom; the yell of *party* proscription may fill the State with its echo's; power, revenge, and disappointment, may set their steel-traps in by paths, and raise their ignus fatuise's to decoy me thither, for the gratification of unholy desires; and the *persecutors* may follow my footsteps with demoniack-yell—and it will not all prevent me—though standing *alone,* as it were, compared to the partizans at the head of his misled company—from appealing to the sober sense of that power which has hitherto upheld me, the SOVEREIGN PEOPLE, for the redress of my unparallelled wrongs; and to save me from sufering by the rapacious hand of cruel tyranny.

It may become an indespensible duty of mine, hereafter, to sunder the covering of the Saint, to pourtray the Sinner; to dignify the hand of a pious Secretary with a *ponderous iron-fire-shovel,* brandished over the head of one demanding rights, which had only to fall thereon with half his power, to constitute him a murderer. It may become necessary to shew, the false pretences he resorted to, to deny me a copy of a public record, necessary to my justification. It may be proper to delineate his meanness, in following the lead of others, who had votes to give him, to save them from exposure, at the sacrifice of his *official duties*—his honor as a man.

It is my intention to lay the whole facts concerning the difference between the Governor, & Senate & Secretary, before the world, exactly as it took place. In this expose, the country will be introduced to scenes of injustices and *tyranny*, intolerance and usurpation, illiberality, and denials of privileges constitutional and customary, which will stagger the confidence of the republican in the purity of some of his *Rulers*. It will then, also, be seen, how passionate *old men* in their dotage, carried beyond themselves by the leading-strings of designing partizans, have been imposed upon by the artful and the interested. Men who cannot write a sentence correctly—to say and do things, under the influence of an inflamed mind, not understanding the tenor of papers presented to them for signature—which were obtained and intended to minister to the greedy appetite of an unprincipled opposition. The conduct of an "old hoary headed Senator," will be fairly placed in that light which will demonstrate conclusively, that extreme age has either deprived him of his *mind and memory*, or that he acted under the influence of passion approaching to madness, (which is, perhaps, the fact) upon the reading of my message which was severe in consequences of its truth, or that he had been imposed upon by others, or that he has placed himself in an awful dilemma as to veracity.

I will be obliged to shew, the *means* and *menaces* he and others used, to force the State Executive into a complyance with their wishes as to *men* for judges; and the threats of *ruin* by him, for not yielding to his imperative command; and the threats, that Judge Holeman should beat me for Congress, if I did not nominate him as judge &c. &c. &c.: though the members of the lower house, approved with great unanimity, from patriotic feelings, of the choice I had made, and of my cause *generally*.—The public may hear of important laws left in the hands of the committee of enrolled bills or some of the Secretaries, passed by both houses of the late General Assembly, and *"nullified"* by the impatience of the Senate, to adjourn, to escape from the justice which was about to overtake it, for its legislation upon improper subjects upon which it had already spent too much time and money.

I may bring in view the last seven years during which I will soon have administered the Government, to shew, amongst other things, who have been labouring all of that time to bring me into disrepute, and who have been the agents and prime movers in this late difficulty; to prove their identity; and to publish the causes which have operated from time to time and now, to tarnish my name.

The people of the State, may expect an address from me, in due time, giving my reason for becoming a candidate for the Senate of the United States, *now,* and my views generally of our national affairs, and my reasons for wishing to be elected: And if after being fairly tried at the bar of public opinion, I have fallen, I will contentedly dig the soil of my native west, for my bread.

Now, as hitherto, I take my own course as to office, and with it, its responsibility. I steer my own vessel in politicks, and my crew, are the people.— I consult no leaders of parties, nor caucuses, nor junto's, nor office holders, nor office seekers, nor great men, *nor lawyers,* nor hirely Editors, nor leaders of factions. What is deemed right and proper, are done and the result confided to my country. Calling myself an INDEPENDENT WESTERN REPUBLICAN, devoted to *"the working men's* measures and interest, and being of that school of politicians, who judge "the tree by its fruit," deprecate the evils which partyism is inflicting upon the country, and follow the standard of *"principia, non homines"*—I shall be agreeably disappointed, if the Sentinals of the *other two parties,* do not open an unmerciful fire upon me, at the thresh hold—if every man who aspires to a place in Congress and his friends, are not out with their war-clubs—if the men of *yesterday,* in this country, men who never *earned* distinction, and who like all light bodies, are floating upon the surface of the tempestrous sea, of party, buoyed not by MERIT, but by the fury of the elements beneath them—are not prolific with *sardonic grins,* and sneers, and inuendoes, and insinuations, and their irony, and their every thing, except open and honorable opposition.[4]

I am Sir Yours &c.

JAMES BROWN RAY

Ray to James Morrison[1]

INDS. Feby 24, 1831.

MR. MORRISON Secy. of State.

SIR, Mr. Ewing & General W. Johnston, notified me by the last evening's mail, that circumstances rendered it impossible for them to accept the commission given them to settle the affairs of the State Superin[ten]dent of the State prison.[2] I must, therefore, this morning dispatch a special messenger with a new commission.

Be pleased, *immediately,* to make out and send me by the bearer two commissions, for J. Allen, Washington County, and Col. William Baird of the same.—These persons are to fill the places of Ewing and Johnston.

RAY

[Endorsed:] appointed 24 Feb 1831 R

[4] In the *Democrat* of March 12, Editor Morrison stated that another lengthy communication, purported to be written by Governor Ray, had been left at the newspaper office by I. N. Heylin, the Governor's private secretary. It was addressed to James Morrison and was so supercharged with personal and vulgar abuse that the Editor refused to print it. A few days later the Governor denied its authorship. Heylin apparently had written it and the Governor had authorized him to sign his name to it without first reading it.

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[1] ALS. ISL:Archives Division, Secretary of State's file.

[2] Ewing and Johnston had been appointed penitentiary inspectors by the Governor and were to examine the prison and value the improvements made by the superintendent so that he could be compensated for the same. *Executive Proceedings, 1816-1836,* p. 360.

Ray: Appointment of Prosecuting Attorney[1]

[March 10, 1831]

Hiram Brown Prosecuting attorney, of the 5th Judicial Circuit State of Indiana in the place of Philip Sweetzer resigned.

March 10th 1831 J. Brown Ray

Morrison Secy.

[Endorsed:] Appointed 10 March 1831 till end of next session

Charles H. Test, *et al.*, to Ray[1]

[March 31 1831]

To His Excellency James B Ray Governor of the State of Indiana—

At the February Term of the Wayne circuit court 1831 judgment was rendered on *scire facias* against Emanuel Black (the security of one Basil Bates a man of colour) on a forfeiture of recognizance for the sum of twelve Dollars & costs of suit—Having been requested to recommend the said Emanuel Black to your Excellency that a remission may be had of the said forfeiture, and we having required some evidence to be adduced before us to shew why we should do so—The said defendant introduced witnesses by whom he proved that said Basil Bates was apprehended as a fugitive from labour, & brought before Richard Henderson a justice of the peace for said county of Wayne, who after hearing the testimony was of the opinion that said Basil Bates did owe service to Adam Mitchel in the State of Tennissee, and did give the said Mitchel a certificate of that fact by virtue of which said certificate the said Mitchel removed the said Basil Bates out of the county of Wayne, as is supposed to the State of Tenness—All of which took place some time after entering into said recognizance. Upon which state-

[1] ADS. ISL: Archives Division, Governor's file.

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[1] DS. ISL:Archives Division, Pardons and Remission of Fines.

ment of facts we have concluded to recommend the said Emanuel to your Excellency, requesting that the forfeiture aforesaid on the part of the said Emanuel may be remitted.

This 3d day of March 1831

Charles H Test Presdt.
Judge of 6th circuit
Asa Sherman A. J. W. C. C.
Beale Butler A. J. W. C. C.

James L. Andrew to Ray[1]

[April 16, 1831]

To His Excellency James B Ray Governor of the State of Indiana

The undersigned humbly represents, that he was fined 25 dollars by the court of assessment of the 7th Regt. Indiana Militia, for the year 1830, for not attending and making Return as adjutant of the 7th Regt. for the second Battalion, Drill & Regimental musters for sd year.—he also represents that he was sick at the time of holding said Court and unable to attend—and therefore, he requests the Remission of the above mentioned fine as in duty bound &c—

16th April 1831 James L. Andrew

I request for the reason assigned in the above petition, that the fine against the petitioner may be remitted

David Wallace
Col. Comg. 7th Regt

I concur in the above Ben. Sed. Noble Lt. Col. 7th Regt.

[Endorsed:] Remitted Ray Gov Morrison Secy Remitted 18 Apl 1831.

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[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

Ray: Proclamation of State Prison Contract[1]

JAMES B. RAY, Governor of the state of Indiana, to all who shall see these presents, GREETING:

Whereas, by an act of the General Assembly of the state of Indiana, approved the 10th day of February, A.D. 1831, it is made the duty of the Governor to farm out the State Prison situated at Jeffersonville, in the county of Clark, together with all the stock, tools, materials, prisoners and every thing belonging to or in any way connected therewith, to some responsible person, by contract, for such period, not exceeding five years, as may be deemed most conducive to the benefit of said institution and that interest of the state.

Now therefore, be it known that in pursuance of the said act, on the 2nd Monday of June next, at the Secretary's Office, at Indianapolis, sealed proposals will be received for the farming out of said prison; which proposals must be accompanied by the names of the sureties who may be willing to be responsible for the faithful performance of the contract which may be made with the superintendent; and satisfactory vouchers of the personal character and capacity of the proposed contractor, must also accompany the proposals.

The contractor must also enter into bond, payable to the state of Indiana, in the sum of ten thousand dollars, with six responsible freeholders as his sureties, conditioned for the faithful performance of his duties as "Superintendant of the state prison of Indiana," according to law, and for the fulfillment of the contract.

The present contract will expire on the 20th day of May next, but the present superintendant will act until superseded by a successor.[2]

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[1] Indianapolis *Indiana Journal*, April 23, 1831.

[2] The act of 1831 provided that the prison be farmed out by the Governor to a responsible person who was to assume complete charge of the institution and inmates. James Keigwin, the incumbent superintendent, received the contract. He was to pay the state $700 with the privilege of deducting from this sum the expenses for the making of necessary repairs and for any permanent improvements that were added. *Senate Journal*, 1831-32, Appendix A.

Given under my hand at Indianapolis, the 20th day of April, A.D. 1831, and 15th year of the state.

By the governor: J. BROWN RAY.

JAMES MORRISON,
Secretary of State

Robert Culbertson to Ray[1]

Aprile the 24th 1831

TO HIS EXCELLENCY JAMES B. RAY Governor of Indiana

SIR one year ago I moved into this state and Being an Elien a Native of Ireland I was not acquainted with the laws of this state and not knowing the muster laws I was fined for not mustering the fine is two Dollars twenty five cents and hering of your goodness I thought that perhaps you would remit the fine If I was in affluent Circumstances I would not Ask it Whither an Elien has a right to pay a fine I do not know But trusting to your goodness I remain your Servant

ROBERT CULBERTSON
Col Shanks Regiment

JAMES B RAY

[Endorsed:] Remitted 29 Apl 1831

Elisha M. Huntington, *et al.*, to Ray[1]

[May 10, 1831]

TO HIS EXCY. JAS BROWN RAY GOV. of Ind.

The undersigned respectfully state that at the September term of the Daviess Co Circuit Court a case came on to be tried between the State of Indiana and one Washington McComb, in which David Thomas of Clay County was a witness on the part of the state. Thomas was recognized for his appearance in the sum of one hundred dollars, but could not attend owing to ill health— The recognizance was forfeited and scire facias was issued, and duly served upon him to shew cause why execution

[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

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[1] DS. ISL:Archives Division, Pardons and Remission of Fines.

should not be had in favor of the state upon the judgment of forfeiture—Mr Thomas failed to attend at the return of the scire facias at the March term (last) by reason of ill health, and judgment was had for execution. The undersigned David Thomas, stated that at both the above periods he was unable to attend said court owing to ill health and the others whose names are subscribed hereto, state the same, and pray your Excellency to order the said judgment to be remitted as it will be an exceedingly hard case upon a poor man and an honest one.

David Thomas
E H Wrighte
N G Cromwell
Davy Walker
Aaron L Killian
William Crafton

I take pleasure in stating that I am well acquainted with Mr. David Thomas, and that I was pros. atty in Daviess at the time when the proceedings aforesaid were had— I am well satisfied that Mr. Thomas was in such health as to place it entirely out of his power to appear at court either at the March or September term. Mr. Thomas is an old, industrious and honest man, and it would be indeed a very hard case, should he be compelled to pay said judgment and costs— My costs I cheerfully will release, and hope your Excellency will grant the prayer of the petitioner. Hundreds could be got to join in this petition if necessary

With great respect I remain your obt. servt.

E. M. Huntington

His Exc. J. B. Ray

[Endorsed:] Remitted Ray Gov Morrison Secy Remitted 26 July 1831.

John M. Dunning, *et al.*, to Ray[1]

[May 14, 1831]

To His Excellency J. B. Ray Gov. Ind.

The undersigned citizens of Monroe County respectfully represent that a man by the name of Squires Rainey was fined

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[1] DS. ISL:Archives Division, Pardons and Remission of Fines.

(on information) by George H. Johnston an acting Justice of the peace in Monroe county in the sum of Ten dollars on the 9th day of April 1831 for profane swearing and not being able to discharge said fine the said Rainey was committed for some time to the Jail of the County and afterwards was released by giving security for the amount of the fine—Now in Justice to this man we beg leave to state that upon strict enquiry we find that he had been enveigled by evil disposed persons to get very drunk at which time he swore profanely, and his neighbors and acquaintances uniformly bear testimony to his good moral character and state that he is not in the habit of getting intoxicated; Wherefore we pray your Excellency to remit the fine of the aforesaid Squires Rainey as we do conceive it (upon learning all the facts of the case) to be improper and oppressive—

Bloomington May 14th 1831.

JOHN M DUNNING
[and 43 others]

[Endorsed:] Remitted except $1.00 Ray Gov Morrison Secy. Remitted 24 July 1831

Ray: Remission of Fine on Robert McCarty[1]

[May 14, 1831]

JAMES B. RAY Governor of the State of Indiana

To all who shall see these presents Greeting:

Know Ye, that I do, in the name and by authority of the State of Indiana grant to Robert McCarty, who was convicted at the April Term of the Decatur Circuit Court of 1831 for an Assault and Battery upon William Bird, and fined the sum of two dollars and fifty cents, a full and free remission thereof

Done at Indianapolis on the 14th day May A. D. 1831 and the 15th year of the state

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[1] DS. ISL:Miscellaneous Personal MSS.

[Seal] In Testimony whereof I have hereto set my name and caused to be affixed the State Seal the day and year aforesaid

By the Governor J. BROWN RAY
JAMES MORRISON Secy of State

Ray to the Editors of the Indiana Journal[1]

[June 15, 1831]

MESSRS. DOUGLASS & MAGUIRE:

GENTLEMEN: On my return home last evening, I found an attack made upon me in *two* of the papers printed at this place, the "Democrat" and the "Journal," over *nameless* signatures, alias, by persons who were *ashamed* of what they wrote, and *afraid* to put their names to their pieces. The correspondent of the Journal, *"Veritas,"* says, that my name was once placed to a petition for stopping the Sunday mails, to which my qualification is annexed, to limit the object of the prayer to times of *peace*.[2] Wonderful! What a discovery? Why a falsehood this? What a crime? This statement is as untrue as unfair—as uncandid as deceptive, I never was, and never expect to be, in favour of stopping the mails on the Sabbath, *by Congress;* believing that they have no power to legislate on the subject of religion or the sabbath. To prove this, a *protest* against this measure, which was entered by me on a petition presented for my signature two or three years ago, *my official messages,* and public conversations, will be the best evidence. During the session of the Legislature of 1828-9, and before the question of stopping the Sunday mails had ever been agitated, or discussed, and before I had ever taken its propriety into consideration, in the hurry and bustle of the session,—in the midst of business—Doctor Coe, of this place, laid before me a printed petition of great length on the subject of the Sunday mails, then in the State house, whilst the legislature was sitting. On looking over it hastily, and remarking, that this was a question about which my mind had not been engaged, a few reasons presented themselves, out of the many more that have been and can be urged against it, which I thought might be placed upon the petition in the way of Suggestion or remonstrance *against* the main aim of the petition. Refusing, *positively,* to *sign the petition as presented,* I indorsed these words upon it with my name: *"In favour of the petition in times of peace, in ordinary cases, leaving it to* CONGRESS TO PROVIDE FOR EXTRAORDINARY EMERGENCIES." This was considered such a blow at the petition, that it never was sent on to Congress, though it had the names of several members of the Legislature to it, without any explanation whatever. My remarks as above were calculated to defeat the very object of the petition, and did effectually *nullify* it; and it is now in this town. It is believed, that if those suggestions had not been made by me, on it, in writing, it would have been sent on to congress. Soon after this affair took place, the whole subject was opened for discussion, both *in* and *out* of Congress. On its *first* being discussed, I took an open and fearless stand against stopping the mail on the Sabbath, and for years past have *officially* and *privately* proclaimed my sentiments on the house-top: not because I wished to see the Sabbath violated, but from a full conviction that Congress have no power by the constitution to legislate at all upon the subject of religion. These are my sentiments if "Veritas" wishes to know them.

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[1] Indianapolis *Indiana Journal*, June 18, 1831.

[2] The communication signed "Veritas," appeared in the Indianapolis *Indiana Journal* of June 11. W. W. Wick denied that it came from his hand although he admitted asking Dr. Coe if Ray had signed the petition referred to with a qualification. *Ibid.*, June 25, 1831. A second letter from Veritas also appeared in this issue. He said the object of his first communication was to expose the inconsistency of the Governor in complaining of persecution because he was opposed to stopping the mails on Sunday, when as a matter of fact he had signed a petition two or three years ago praying the stopping of the mail on the Sabbath in time of peace. After reading the present letter to the Editors, Veritas accused the Governor of trying to mystify the transaction so that the public would not understand it.

Whether Judge Wick is the author of Veritas, or not, is not known to me, having been *denied* the name of the author by the Editors; but, he has distinguished himself, not a little, by cross-examining Doctor Coe on the subject. This would have looked better in others than in a competitor. Let him, being in a glass house himself, take warning, how he starts unfounded reports against his competitors. Let him be still, or some of HIS *virtues* may see the light yet.

The *false,* vague, and unmeaning insinuations of Pelham, whose *official* author, sometime since untruly charged me with raising a chair upon him without telling of the ponderous iron *fire-shovel* he *first* raised over me whilst sitting writing in my office, deserve no other notice, than to point out the treacherous medler who originated them.[3] Who can conceive of the heighth & depth of the baseness of that heart that could influence a pen to write such a false and malicious production, over a fictitious signature, without showing a single evidence to justify it, as that over the name of Pelham? Fixed in the most pitiable depravity, wickedness must still lead you into deadly mischiefs. Go on *official* scribbler, slander without proof, insinuate what you are afraid to put your name to, and meanly assert what you dare not attempt to sustain, in midnight darkness, and you will witness the tempest of popular indignation bursting around you demanding justice. Feed, fowl calumniator, upon the recollection of having *smiled* and *fawned* for patronage and place until you gained your object, only to prove the slippery turns of unchastened treachery. For all your poison there is an antidote. Let it flow: it will relieve *you*; do *me* no harm. The slanderer's portrait will be penciled out. It will put us on our guard. Come forth, port, name, and all. Behold him!!!

JAMES B. RAY.

June 15, 1831

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[3] The communication signed "Pelham" was entitled "Knight Errantry," and appeared in the Indianapolis *Indiana Democrat* on June 4, 1831. It characterized the Governor as a modern Don Quixote. Ray infers that James Morrison, the secretary of state, was its author, but Morrison denied this in the *Indiana Journal* of June 25.

John H. Thompson to Ray[1]

COLUMBUS, June 20, 1831

MR. JAMES BROWN RAY.

SIR—On arriving at this place on last evening, I was credibly informed, in the presence of several gentlemen, that your excellency was circulating an idea throughout this district, that I was electioneering on *religious popularity* and aiming to go to Congress on that hobby, on the ground of having several brothers who are Methodist preachers.[2] I presume your object in this fabrication, is either to cast contempt on the Methodists, or to induce other sects to oppose me. Now, my dear sir, however painful it may be to the feelings of an humble individual, to contradict the statements of a Governor, the duty I owe to myself, my family, and to those worthy citizens who have heretofore, on various occasions, generously yielded me their support, imperiously demand of me, a reply to a charge so contemptible in its character, when made even by your excellency. You will therefore have the goodness to pardon me when I say to you, that your report as above, is a fabrication for electioneering purposes, without the least foundation in truth; and as basely false and dark in its design, as I conceive its author to be dastardly, base and contemptible for promulgating it. But, perhaps your motives may be more justly appreciated by the people, when I inform them of the real cause of your enmity toward me, which I will now endeavor to do.

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[1] Indianapolis *Indiana Journal,* July 2, 1831.

[2] Thompson and Ray were both candidates for representative in Congress from the Second District. There were also four other candidates: John Carr, W. W. Wick, Jonathan Jennings, and Isaac Howk. Carr, a Jackson Democrat, won the election with Wick running a close second. Ray, Jennings, and Thompson polled about the same number of votes but they were three thousand votes below the winner. Wick was anti-Jackson; Jennings was a Clay man but in Congress he had endeavored to vote independently of party and as directed by his constituents; Ray, Thompson, and Howk all ran as independents. Carr's election was said to be due to the fact that the independent vote was split rather than to the strength of the Jackson party. Leonard, "Personal Politics in Indiana," in *Indiana Magazine of History,* 19: 264. The complete vote is given in *Niles' Register*, September 17, 1831. In Marion County, Ray led all the other candidates. Indianapolis *Indiana Journal,* August 6, 1831. There is some evidence that Ray established a newspaper of his own called *The Union* during the summer of 1831 as a help in carrying on his campaign, but no issues of the paper have been found. Indianapolis *Indiana Journal,* July 23, 1831. There was no established newspaper in the capital that supported him.

The following is a correct copy from the Journals of the Senate of 1823, to wit:

"Mr. *Thompson* moved further to amend said bill, by striking out the 42d section thereof, (this was the bill relative to crime and punishment) which reads in the following words, viz: Every person who shall make, print, or publish any slanderous or ridiculous writing, pictures, or signs, with a malicious or mischievous design or intent, towards government, magistrates, or individuals, shall, on conviction, be fined not exceeding five hundred dollars."

The circumstances of my having called for the ayes and noes, on my motion to strike out the above section, (which every man will see, if a law, would suppress both the liberty of speech and of the press, and is an exact and literal copy of what was called John Adams' gag law, and as a lawyer you ought not to plead ignorant of the fact) by reason of which your name stands recorded in legible characters, at full length, in favor of said section, as a memorial of your love of tyranny and power, and my own against it. This, together with the fact of my having succeeded over you by a majority of two votes in your favorite gag-law, stricken out of the bill after your zealous and loud arguments in favor of it, I believe to be the real cause of your ambition and little low contemptible electioneering against me. I have copied the Journals, knowing that you had a happy faculty of turning almost everything that has been said even in answer to your billingsgate slang whang into your favorite hobby, *persecution!* I presumed you could not so easily convert the Journals into that channel. The people can now judge of the propriety of your motives, in circulating the above report, and say which of us would be most likely to take a course either in electioneering or legislating, that would endanger their rights or their liberties, and also, whether actions do not speak louder than words, and the surest index to the heart; and whether, while you are going through the district *proclaiming* (as you say) in favor of the liberty of the people, your vote in favor of the above section does not prove that you would gag them if you had it in your power.[3]

Yours in great haste,

John H. Thompson

N. B. I address you through the Press, for the reason that I wish no private correspondence with you. J. H. T.

Printers throughout the district will give the above an insertion. J. H. T.

Editorial Extracts from the *Indiana Democrat*

[July 9, 1831]

J. B. Ray is traversing this district, calumniating and abusing the citizens of Indianapolis, in the most wanton and disgraceful manner. The Governor says that there is a conspiracy against him in Indianapolis, and that attempts have even been made to assassinate him; that he is persecuted for his virtue, and that every species of injustice is heaped upon him. . . . There is no town in the west where a more peaceable, orderly and respectable mass of citizens reside than may be found here, and were it not for the flagrant acts of Gov. Ray, perfect harmony would be found amongst them. We know all about the matter of which the Governor so loudly complains. . . .

At the Battalion muster, the Governor commenced a speech to the people from Henderson's horse block, and after a discharge of his rail road slang and self praise for about the space of two hours, he commenced an abusive attack upon the presses of Indianapolis, and particularly upon ours, and after having disgorged his malice, he set himself forth as a pure, upright and honest man, as one who was all perfection . . . and challenged his accusers to meet him face to face.—

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[3] For an earlier reference to Ray and the "Gag Law," see *ante*, 42-45.

From the unceremonious manner in which he had handled us we felt no disposition to give ground to him, and accordingly read to the people, the protest of Judge Watts, contained in the Senate Journal of last session . . . . We also referred to the report of Senator Pennington, on the subject of Livingston's Louisiana code. . . .[1] This threw the Governor into a boiling passion, which he vented in the most pitiful and silly foaming and spluttering. He was completely unhorsed, and the only off come he could make was to tell the people that the Senate had treated him unfairly, and that they, instead of himself, were dishonest and corrupt. . . . [Trapped by Maj. A. W. Morris, who acted as one of the secretaries of the Senate, he said he had documents at home to prove his case. Went home to get them and read from them until dark.] Major Morris and him then disputed about the character of the papers, and Ray commenced bandying the naked *lie* as familiarly as is common to the lowest blackguard. At length Morris and him came to close positions, and he told Morris that he was a liar, and as the word came from Ray's mouth, a young man in the crowd who had a small peeled stick or switch in his hand, brushed it over Ray's hat, for which, he was, on the next day, arraigned before a magistrate and fined for a breach of the peace. On the trial, Ray was sworn and testified that he did not know that any person had struck him, or that he was assaulted. . . . [This is a true statement and Ray now says he is persecuted and citizens attempted to assassinate him. If people of the Second District knew him, they would not listen to him.]

John Lowrey to Ray[1]

BEDFORD, LAWRENCE CTY Augt 6th 1831

DR SIR In the election returns from this county you will find me returned elected *Recorder*. the reason of my being

[1] See *ante*, 642-46n.

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[1] ALS. ISL:Archives Division, Election Returns.

returned as such, was in consequence of some illegallity in the return from one township *which was thrown out.* had it been recd would have given my opponent a majority of the votes. therefore as I cannot think of accepting office under such circumstances, you will consider this as my *resignation, and not issue a commission.* As the term I now hold the office for does not expire till Feby next and the county cannot suffer by delaying an order for a new election, until sometime in Oct next, It is the wish of your friends here that an order may not issue untill that time which will suit the people's convenence much better than at present, as there will in that month be several elections for justices of the peace and the[y] can be held on one day, and save trouble.

Very Respy

JNO LOWREY

HIS EXCELY J. BROWN RAY

[Endorsed:] Let the within request be granted. Ray[2]

John Lawrence to Ray[1]

LAWRENCEBURGH 24th August 1831

DEAR SIR, I have been informed that one Eli Allen of Riply County was, at the last term of the Riply Circuit Court, convicted of hog stealing, & sentenced by said court to two years imprisonment in the Penitentiary—which conviction surprised me, in consequence of my long acquaintance with Mr. Allen prior to his residing in Riply County. he was formaly a resident of this county, & lived about one mile back of Willmington & during his residence in this county there was not a suspicion against him of dishonesty—& I am led to believe from the information of respectable men, neighbors of said

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[2] The writ for a new election was apparently not issued until after the Governor received a second letter about the matter. See Joseph Glover to Ray, September 10, 1831, printed below.

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[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

Allen, that the prossecution against him, was brought, & prossecuted through spite & malice.

Mr. Allen is an industrious man and has a large family whose dependence, for support, is entirely upon the exertions of Allen, & I sincerely believe that where ever the Executive Climincy was executed in behalf of a fellow citizen, there is no case, that has or will result to the good of the public, as well as the restoration of a family of children from want, & poverty as this, which would be the inevitable consequence of Allens family in case of his final punishment.[2]

Yours respectfully,

Jno Lawrence

Jas. Brown Ray

Henry C. Monroe to Ray[1]

Indianapolis August 28th 1831—

Dr Sir I should have been much gratified to have had a personal interview with you, but circumstances have prevented me that pleasure. I must now unfold to you my disagreeable business which the Enclosed petition will inform you I went to Rushville & was taken very sick I got the principal inhabitants of the place those that heard the evedence I then hired a constable to go to the jury of which he informed me he procured five all he could see except one he also went to the associate judges one of them was gone to Kentucky and the other was very sick. he also procured the signature of two of the witnesses Dr Seaton and Mr Wilson—having also obtained the certificate of Judge Morris as also W W Wick prosecuting atty. I hope therefor if consistent with your constitutional duty you will grant a pardon to my unfortunate

[2] There were several other letters written in Allen's behalf and two petitions from citizens of Dearborn and Ripley counties. One is endorsed in Ray's hand: "Remission 9th Sep 1831. Term remitted, except 6 months."

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[1] ALS. ISL:Archives Division, Pardons and Remission of Fines.

brother[2] I have nothing to offer myself in his behalf, except the plea of mercy. if your Excellency is so kind as to grant a pardon enclose the same directed to me Salem. Any expense will be sent by return mail Your sincere friend

HENRY C MONROE

HIS EXCELLENCY J. B. RAY

[Endorsed:] Pardoned 9th Sept 1831. R. Pardoned after he has been in Pen[itentiar]y two years. Let pardon issue now. I will pay Secy's fee. Ray Gov Morrison Secy

Ray: Appointment of U. S. Senator[1]

[August 19, 1831]

Genl. Robt. Hanna, U. S. Senator, in the place of the Hon. James Noble decd. to fill the vacancy.[2]

Secy. of State will make out the above appt.

Augt. 1831 RAY GOV.

MORRISON, Secy of State

[Endorsed:] apptd 19 Augt 1831

[2] Hugh Monroe had been convicted of manslaughter at the October term of Rush County Circuit Court in 1829 for the killing of John Russell, and was sentenced to the state prison for the term of sixteen years. The petition set out that he was fifty years of age, had a wife and six children dependent upon him, that he had only lived in the neighborhood about one year, that if he had been tried by a jury laboring under no excitement or unfavorable impressions against him and his case, he would have been acquitted; also that the act was committed while intoxicated.

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[1] ADS. ISL:Archives Division, Governors' file.

[2] James Noble had died in Washington, D. C., on February 26, 1831. Congress adjourned on March 3 and did not meet again until December 5. Hanna was to serve only until the Indiana General Assembly met and elected a senator to fill the vacancy. This occurred on December 9 when John Tipton was elected. He reached Washington and was seated on January 3, 1832. *John Tipton Papers,* 2:461. Before the announcement of Noble's death reached Indiana, Governor Ray had announced that he would be a candidate to succeed Noble upon the expiration of his term in March, 1833. When the vote was taken in the Assembly, Ray was not an active candidate and his name does not appear on the report of the balloting in the *Journals* of the House and Senate. Lawrenceburg *Indiana Palladium,* February 26, 1831.

Joseph Glover to Ray[1]

[September 10, 1831]

Dr Sir At our august election Mr John Lowry and John Vestal were candidates for Recorder; Mr Vestal was elected by a majority of about forty votes; but in consequence one township not having been returned according to law; Mr Lowry got the certificate; Mr Vestal declined contesting the election; on Mr Lowry saying that he would not accept the commission; Mr. Lowry also promised to inform your Excellency of the matter; and get you to commission Mr Vestal if the nature of the case would admit; if not to send on a writ of election; nothing has come to hand concerning recorder; information by the next mail will be thankfully received[2]

Respectfully yours

Joseph Glover

[Endorsed:] Let a writ of election issue Issd 22d Sept 1831 for 4th Saturday of Octr.

John Thomson to Ray[1]

Decatur Cty Indiana November 3d 1831

Dear Sir About six weeks since the office of Associate Judge in our county became vacant by the death of Benjamin Antrobus Esqr. Mr. Talbott our clerk wrote to you information thereof I have been looking for a writ of election from you to fill the vacancy but none has come, and I presume one of the letters must have miscarried by mail[2] You will if you please send it by the barer Mr. Montague as there is business

[1] ALS. ISL:Archives Division, Election Returns.

[2] Lowrey wrote to the Governor on August 6 asking him to issue a writ for a new election. See above.

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[1] ALS. ISL:Archives Division, Election Returns.

[2] A writ was issued on October 17 for an election to be held on November 19 to fill the vacancy, but it apparently miscarried. *Executive Proceedings, 1816-1836,* p. 417.

of importance for our county to transact by the Associate Judges which cannot be done until the vacancy is filled

I remain your Friend

JOHN THOMSON

HIS EXCELENCY J BROWN RAY

[Endorsed:] Let an alias writ of election issue Ray Gov Morrison Secy Issd 6th Nov 1831 for 3d Dec R

Ray: Farewell Message to the General Assembly[1]

[December 6, 1831]

TO THE SENATE AND HOUSE OF REPRESENTATIVES IN
General Assembly convened,

GENTLEMEN:—I congratulate you, upon your return to this hall, bringing with you fresh testimonials of the estimations in which you are holden, as public agents, by your constituents. The situation of most of you, is different from mine. Many of you are just entering upon the arena of public life, anticipating in your career, some good to your country, and some comfort to yourselves. You may yet learn, that, upon this theatre, as upon others, there are disappointment and ingratitude for your best intentions and exertions. I am just retiring from this thorny maze, with little to cheer me, save my own conciousness in the rectitude of my aims, carrying along with me the trophies of my humble services—a character and constitution once free from reproach and disease, now shipwrecked by the storms of persecution. But, in the midst of all this, one lasting consolation remains—the active unabated love of my country, still burning in my bosom, cherished by the recollection of the partiality of a majority of the people of the state repeatedly displayed. Driven to say what is known and felt, my fate as the victim of misrepresentation and malicious envy, may serve to admonish you, to fix a proper estimate upon the value of a public station. One in pursuit of happiness, and guided by patriotism, will never *court* or *decline* it. The sacrifice one makes, though great, is due to society, when his services are demanded for its use. But surely, it engraves its incumbent's errors on marble, and their virtues upon a sheet of water: it squanders his resources and leaves him in an unfit condition to regain them. Let us now unite, in acknowledging our gratitude to HIM, whose eternal goodness has distinguished the past year, with so little for regret and so much for gratulation. The homage of a thankful heart, is but a small recompense, for the infinitude of divine favor, which a gracious providence is continually pouring upon us; it is easily offered, and its omission consequently attended with corresponding criminality. With feelings reconciled towards heaven and earth, dictated by that charity which covereth a multitude of transgressions and that delighteth in forgiveness, and sacrifices of feeling for past injuries, you are respectfully called upon to receive with indulgence, the last official act of a public servant, just retiring from the service of the state. Now, that he is about exchanging the cares of unthankful office, where good names are lost without crime, for the comforts of private life, where they are regained without envy, he wishes to leave with you this brief *memoria,* as an act of justice to himself, and to his friends. Doubt not the sincerity which now assures you, that, in the *ascent* from the vexed chair of State, into the honor and liberty of the citizen, large calculations are made upon the advantages and consolations consequent upon an exchange of the one for the other. The mind so long pinioned upon the rack of sensibility, already desires for rest, freed from the enemies of its tranquility. Released for the only time, entirely, from the responsibilities and anxieties of public agency, of some kind or other, since my boyhood, those calm and independent characteristics which attach to the private citizen, shall now sweeten the vale of retirement, in the period of manhood and domestic enjoyment.

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[1] Indiana *Senate Journal,* 1831-32, pp. 9-19. Also in *House Journal,* 1831-32, pp. 10-21. The General Assembly met on Wednesday, December 5. Ray delivered his farewell message on Thursday morning. That afternoon the two houses met in joint session to count the votes cast in the August election for governor and lieutenant governor. This was continued the following morning, and then in the afternoon Noah Noble and David Wallace were sworn in as governor and lieutenant governor. The new governor then delivered his message to the Assembly.

For about twelve years past, the state has had my various services and feeble counsels, in both branches of her legislature, and in the executive department of her government; seven years of which being in the latter, where my usefulness has fluctuated with the vicissitudes of my standing. After reviewing my acts, during this period, I venture upon the declaration, that though they have underwent the severest ordeal of public scrutiny, my mind is free from conviction, of having *intentionally* committed error; and although on some occasions, to have retraced or amended my steps, if possible, would have afforded me sincere pleasure, from being misled, or being convicted of a former misconception of policy; yet, my recollection carries me to no case, where any act was done or omitted intentionally involving impropriety, leading to dishonor, or causing the least injury to any of my fellow citizens.

On my first election, I brought myself under the most sacred obligation to my country, from a high sense of duty, that unidentified with any *party,* the *people,* during my administration, should have my *whole* services, without recognizing the divisions and sub-divisions into which party organization might throw them.—That pledge has been most faithfully fulfilled. The weight of the executive office, has not been thrown into the scale of any party. It was my highest ambition, to be always the Governor of *no* party, and at the same the Governor of *all* parties, and yet nothing but the Governor of the PEOPLE. Whilst the discipline of party, in its infancy, was then beheld in its gradual, certain, and fatal approaches upon the vitals of the first principles of the Republic, a forecast of a more dangerous maturity, had not failed to awaken a lively solicitude, for a country's happiness and honor, about to be periled upon the selfish basis of its alternate triumphs and defeats. All that was foreseen and dreaded has spread itself as a destroying pestilence over the land. It has, deserting principles and measures, converted its votaries into mere scramblers for office. It has overturned *merit* and *virtue,* and substituted tests of adhesion to *men,* in their stead. It has swallowed up those venerated doctrines, which, distinguishing between *vice* and *virtue,* uphold the political, as well as the moral world. It has struck its roots deep into the social circle, and threatened to sunder the most sacred ties. It controls the constitution and the laws, and has carried by storm, to its vile ends, the honesty and virtue of the people; inflamed by its delusive appeals. It has corrupted the nation. The heart sickens at the contemplation of the ruin and desolation, which the fierce and unmerciful tyrant has made from lake to sea—from Union to Union line, turning pale, all within. And still the sword of the monster is unsheathed, proscription for opinions' sake is still reveling on its thirsty point. Proscription on all hands, by all parties, is the order of the day. Are these Freedom's fruits? I protest against it, in the name of political liberty, as tending to the ruin of the republic. Free from its influences, this assurance is left of record, that the interest of the state, her honor, and the merit of whatever was before me, in the performance of all my numerous official acts, were the polar stars, which have controled my doings, with eyes blind to party operations of any kind. The retrospect is pleasing. The conscience knows itself void of offence.

Though my desire has been, to obtain noble ends by noble means; though in vain, the greatest happiness principle, which seeks to bless the greater number for the greatest period, has uniformly found in me an advocate; yet, for causes that will live for their infamy, after the grave shall have secured their authors, less has been effected than was most ardently desired. If there be those, who, have marked the imperfections of my career, and it is not allowed me to justify the *means* by the *end,* my request to such is, that, recognizing human infirmity, as the common inheritance of human nature, they will *now,* when jealousy has ceased to operate, bury their unfavorable impressions forever, under the mantle of charity. Not exempt from *weakness* or *passion,* experiencing my imperfections in wisdom and knowledge, it is not surprising that something may have been done amiss, left to my own direction, without an advising council amidst the complex and diverse acts performed. Nor would mine seem to be the only instance, wherein sober reason had been ejected from her empire, by the lash of an untiring opposition. But the *past* shall no longer be recollected, except it is to improve the *future*. The state has had my services, performed with a willing and greatful heart, with the glory, honor, and happiness, and prosperity, of *all* her parts, and of *all* her people in view—important public works have been encouraged and brought into existence by my agency—emigration has been induced to the state by all laudable means; she now possesses physical and moral strength in an eminent degree; and it is now my constitutional duty and my privilege to surrender the power so confidingly vested in me, and retire to the enviable shade of privacy, to feel the operation of the laws, which it has been my province to assist in making. Let him whom the popular voice has designated as my successor, take my place. I bespeak for him respect and co-operation, without which, his best endeavors must be unavailing.

Since the time I began to be a co-worker in the political vineyard of Indiana, up to this period, her population has increased from one hundred, to about five hundred thousand souls; her counties have triplicated; her resources are quintuple. To bring about these pleasing results, my labors have been incessant. Here, now, is seen, the beginning of a great and flourishing commonwealth, which though green of years, has many of the properties of meridian usefulness and power. Civilization and her attendant blessings, are always co-extensive with the lines of the state. The bounties and excellencies of nature and of art, here, essentially satiate every chaste desire. *A prodigy of her years.*

It is of record, that, during my whole term, I have not hesitated to take an open and decisive part, on one side or the other, of all the questions of national or state policy, which have been from time to time agitated. With *principles* and *men* to execute them, for my motto, my flag has been unfurled, in the open field of measures.

Amongst the multiform matters which have interested and excited the public mind, the tariff and internal improvements, have stood foremost. The power to regulate and prosecute these, has appeared to me, to flow most naturally and reasonably, out of the constitution. No part of the instrument, where these powers are found, is less questionable, than that a tariff *beyond* revenue purposes, to aid internal improvement, and as a consequence to protect domestic manufactures, is *legal* and *politic.*

Internal improvements in our own state, has been a theme of my choice. If, by what has been said, the public mind has only been awakened into an inquiry into its importance, and prepared to choose the cheapest and best facilities, and give them a judicious location, the principle end of my repeated recommendations, on this subject, will have been attained. And further, if aught that has been done, or said, has tended to further the prospects of our contemplated canals, and rail roads, and to improve our rivers and common roads, my reward is ample, in the good they may secure to the country.

The safety of the Union, has been, with me, for some years past, an all-engrossing subject of continued meditation. My hopes and my fears for its fate, have alternately preponderated. It is now becoming, only too evident, however, that there is a mysterious influence at work, acting from design or delusion, to tear the seal from the bond of American liberty. The treason must fail. The awful frown of the nation is upon it. Our stars must not be lessened in number.

A full expression of my views, with respect to the proper disposition of the public lands, favoring a general cession, if possible, on the score of expediency, but failing in this, then a reduction of price and donations to actual settlers, has been repeatedly made from a clear conviction of the propriety of such measures. To give homes and minds to the indigent, and to aid the state in making commercial facilities, they had my support. It is hoped, that the friends of state and individual equality, will continue to press them until one or the other is yielded.

The necessity of a less expensive law system, than the one we inherited from Great Britain, now governing us, and one not too voluminous to be understood by all of those whom it operates upon, has invited me, from a clear conviction of its practicability, into the ranks of the friends of codification. But, until it shall be manifest, that those who aim to accomplish this great work, has secured the entire confidence of the Legislature and the approbation of the people, all labor bestowed upon it would be thrown away. Without encouragement from that source, its adoption, if completed, would be uncertain. Its accomplishment must ever remain doubtful, until *interested opposition* to the principle, shall no longer influence the law-making and adopting power of the state.

My opinion of the value of education, in all its grades, has not been withheld. Not having been one of its early recipients myself, experience has taught me its worth, in the use of that which industry alone has acquired. *Physical* and mental education, looking to the improvement of the *head,* the *heart,* and the body, at one and the same time, unites antiquity with modern times, in support of its superiority over any other system. This plan, when connected with a practical display of the philanthropic principle, that the state owes to every rational human being, embracing all conditions of the rising youth, an education, may form a subject for the admiration and support of the good, the wise, the great, through the lapse of ages, who look to virtue as the immortal part of a Republic—to knowledge as its safety, its power, its glory.

The erection of a suitable number of Asylums, in the state, to ameliorate the condition of the poor, has, from time to time, occupied a prominent place in my advice to the Legislature; and my bosom is still animated with the belief, that yet, humanity and reason, and the imperious tone of the constitution, may secure their construction.

If my convictions prompted by actual observation, of its futility, when often expressed, could have produced an exchange of our present militia system, for one less burdensome, and less irritating, and more effective; for one which combines knowledge of tactics with energy and efficiency without injury to the feelings or time of any one—the state would be now exempt from the demands of a regulation, which, uselessly, taxes her time and morals to a vast extent.

A friend of equality; an enemy to monopoly; the advocate of the working men; the artist; manufacturer; farmer; of the learned and useful professions; opposed to secret or other societies which take their stand *above the laws;* also, to political unauthorized bodies, attempting to control, awe, or lead public opinion; deprecating all attempts by the national or state legislatures to define by law, what religion is, or what it is not; unfriendly to the exercise of power to stop the Sunday mails by an act of Congress; hostile to a union of church and state; a supporter of political and religious liberty; disliking sumptuary laws and splendid governments; a believer in moderate salaries for officers; a disbeliever in useless etiquette and ceremony; the friend of universal liberty for all colors, and in all countries; in a word, a general republican, and a firm and unwavering disciple of our present form of government and its institutions: With *such sentiments,* in my heart, you may account in some degree, for the matter which has formed always a part of my official communications, and for the uniform plainness of my deportment; and the peculiarity of my views and course.

When the Indian question was raging, it may be seen, that their peaceable removal out of the States, beyond the Mississippi, for governmental regulation, and for the more satisfactory demonstration of their capability for civil life, was approved.

Having also formed an opinion with regard to the renewal of the United States Bank charter, that it should first undergo pretty extensive modification, it was given in no spirit of opposition or support to any party, but in obedience to the call of duty.

Nullification, too, has justly elicited my indignant reprobation. Seen with its train of dreadful evils, in its earliest developments, it soon found me in hostile array against it. Its advocates may be honest, yet misled; but they cannot be friends of our confederated government, of the supremacy of the constitution and laws, and the sincere followers of our republican institutions in their primitive strength, simplicity and beauty. The States of the Union disunited, might smoking with kindred blood, seek relief from the intolerable scourge of civil war, in some other form of government, leaving the spirit of the federal constitution to brook the geers of the tyrant, triumphing amid its fragments, at the fulfilment of his prophetic lessons to mankind on the instability of republics. This or any such effects, is the possible offspring of such a cause.

Imprisonment for debt, unless for fraud—crime has been abandoned much to my satisfaction, and an inquiry instituted into the propriety of exchanging the present *public* mode of inflicting capital punishments, for private executions, or solitary confinement in the cell.

The chartered rights, liberties and privileges of the citizen, have been preserved free from infraction in my person, and as a functionary; and though ever despising licentiousness as the worst enemy to good order in society, tending to create and highten its exacerbations; still, the freedom of speech and of the press, guided by truth and decency, have maintained their high bearing with my most decided acquiescence.

Whenever it has seemed necessary to defend the constitution of the state, to execute her laws, or advocate her interests, has it not been done, at the sacrifice of my standing? though it called down upon my head the keen displeasure of the MIGHTY in their disappointment, or disposed me to the satire of those entertaining different opinions. To know my duty at all times and in every emergency, was not more gratifying, than to execute it *in person*.

When or where did an opportunity present itself to secure to the state an advantage, when it was not eagerly laid hold of, and turned to the best account. And acting upon the dim outline sat by my predecessors to guide me, the commission of any act, illegal or unconstitutional, or the omission of any one required by either, has been, at all times, the subjects of my most scrupulous care.

Having thus, cursorily, repeated a few of my sentiments, on some of the most prominent topicks of the past, and expressed my convictions as to my general course, your attention to me shall be released after a brief expose of the affairs of the last year.—It may not be amiss to indulge for a moment in the pleasing reflection, that the last season, has given us as many evidences of prosperity, health, and of increase of numbers and resources by emigration, as former ones. Nothing has occurred, to abate for a moment, the high expectations of our people. After the lapse of a few years, they calculate to exhibit to other states some unequivocal testimony of their character, as an enterprising and intelligent population.

Enviable, indeed, as is our situation, we become infinitely more happy in the comparison of our condition with that of the population of other parts of the globe, where the millions are beasts of burden, and the tens are rolling in their luxury in the name of God. One nation as a David, has of late, turned upon her Goliath-oppressor, but though we may be permitted to admire the dauntless heroism of Poland in support of a righteous cause, yet it is to be feared, that the fall of Warsaw, gives occasion to the friends of liberty, not only to lament the success of the Russian battalions, but to mourn over the check it gives to the mighty revolution, in progress throughout Europe. If God is for Poland, she will yet avenge her wrongs upon the hosts of the autocrat in the name of liberty.

The topics of a general nature, for your consideration, at this session, are not very numerous. After mingling your regrets together, with me, that the state of Ohio is about to withhold from us her assistance and co-operation in the construction of the Wabash and Erie canal, and then surveying the obstacles in the way of the accomplishment of our wishes without such aid, or consent, you may be inclined to deliberate upon some of the alternatives which experience has substituted in place of the canal, with undoubted success. Prefering the canal, however, on the route it is located, as long as there is a ray of hope for its continuation to the Maumee bay, merely out of pure regard for the preservation of good faith between the state and the purchase[rs] of the lands sold under constructive pledges to apply their consideration to a work of that kind, yet, when this prospect becomes hopeless, let it be answerable if possible—which is the best faith, the construction of a Rail-way with the consent of Congress and the land owner, or the suffering an entire failure of the grant? Where they are in other respects equal, the majority of the American people, at this day, give the preference to the Rail-way over the canal; the former being altogether the cheapest and best.

The abandonment, however, of the Wabash and Erie canal, bound as we are by the most solemn pledge to construct it, by several legislative acts, cannot in good faith be justified now, for any substitute however imposing, unless driven to such course by *unavoidable necessity*. Subject to this qualification, the legislature is most earnestly solicited, by the priceless honor of the state, to take the responsibility fearlessly upon her, of making an energetic and speedy commencement of this work. Justice and the public voice call for this canal, and sanctioned by the growing resources of the state, it ought to be promptly commenced, without further delay. Convinced that you will be sustained by the magnanimous population of Indiana, in furthering this enduring and useful line of commerce, my opinion as to the obligation which rests upon you to make it, is respectfully given.

The Michigan Road lands sold for $49,371, as reported to me by the commissioner. The average is about $1000 per section, which will apply the same amount to each mile of the road, if the balance of the lands sell as well as these. Contractors upon this road, may congratulate themselves in the prospect of the speedy redemption of their scrip. The timber being removed from the road this season, such improvements upon it the next, as shall make it passable, are required of necessity; which call for an additional sale of the land.

The legislature ought to continue to look to Congress for appropriations to finish the National Road, already in a considerable state of forwardness. This bond of union, distributer of commerce, and thoroughfare for the march of armies, leveling mountains, raising valleys, and surmounting rivers in its wide range, is already evidencing the policy of its founders, and the wisdom of its present supporters.

The fact that a steam vessel ascended White river last spring, at the instance and risque of a distinguished citizen of this county, may be considered as a pressing call upon the legislature, to appropriate a portion of the three per cent fund to improve such watercourses.

Single rail-ways are contemplated from Cincinnati and from Louisville to Indianapolis. These are projects which, indeed, are truly commendable; and which by their immense advantages, if ever finished, recommend themselves to our special approbation. If such cities should enter into rival competition with each other, for the vast trade of this rich country, their accomplishment would be certain. It is probable, that an application will be made to the Legislatures of Ohio and Indiana, this winter for a charter to make the one from Cincinnati to this place; we are notified to this effect, at least, from a respectable source. When corporations composed of enterprising individuals, at their own expense, offer to accomplish such works as these, states unable for the task, should rarely refuse the privilege.

The recent and untested compilation of the laws, admonish the legislature, to make as few changes in them as possible, until their provisions are more fully understood and understandingly disapproved. A code of wholesome laws is emphatically a blessing, still their permanency and immutability are equally so.

Presuming that this session will be principally spent in local legislation, it is thought unnecessary to present but few subjects of a general nature, from a full conviction, that whatever of that class there may be, will not escape your superior sagacity. In you, as the immediate ministers of public sentiment, holding your commissions directly from the ballot box, the reasonable presumption of a knowledge of the wishes and grievances of your constituents, more than any one, is concentrated.

Among the subjects which may come before you, at this session, are the formation of congressional districts under the new census; the erection of a State House; and further sale of lots in Indianapolis; a memorial for the final extinguishment of the Indian title; the making provision for the approaching election of President and Vice President of the United States, in this state; and the formation of some new counties.

I refer you to the reports of the Treasurer and agents of the state and of the three per cent. fund for the detailed account of the finance. It will be seen by the receipts into the treasury for this year, the present revenue law, will produce means enough, for the use of an economical government like ours.

I will not so far underrate your intelligence and patriotism, as to suppose that at this momentous crisis of the republic, your opinion of the tariff and internal improvement, involving their *constitutionality* and *expediency;* on the distribution of the surplus revenue, so soon as the national debt is paid off; on the renewal of the United States Bank charter, with or without amendments; and on the treasonable doctrine of nullification, will not be expressed: for, strong as are our belief in, and attachment to, the three first of these measures, yet if their modification and adjustment to the standard of the most enlightened public opinion in all of the states, *nationalizing* the two, and *diminishing* the pressure of the other, are deemed the only remedy, to crush the ill-omened spirit of rebellion, which threatens to demolish the American confederacy, as wise men preferring the lesser to the greater evil, let us unite, in the name of the constitution, of equal burthens and privileges, and of mutual concession and compromise, to avert the calamities which threaten us. For union and liberty, no minor sacrifice is too great. The surreptitious bastard of unchasted ambition, *nullification,* should be accelerated to its destiny, to pour a nation's unmitigated contempt upon its *weak* or *wicked* authors. *He* who overturns this monster, deserves more gems in his crown than the conqueror of Pompey, Napoleon, or Packenham. He will have earned a nation's gratitude more than once or twice. Jackson, to his immortal honor, has thrown the influence of his great name and official station at the heart of this foe to freedom. Jackson may yet slay the potent enemy, save the Union, and wear the laurel which is in reserve for the brow of the victor. He has said—'The Union; it must be preserved!' Let him stand by this sentiment, and the country's second saviour must stand confessed. This act alone, not only entitles the American President, of Roman virtue, to the Presidency again, but will give him a standing in all future time, like Washington's, in the temple of fame. He will live like him and Lafayette, in the hearts of the friends of liberty, in two hemispheres. The avowal of these sentiments, in these times, by a President, was as bold, as it was perilous to his popularity. But it is worthy of the man; and in character with himself. Have we no reward for such noble deeds? Until we have some further guarantee, that the election of either of the incumbent's known competitors, worthy and talented as they are, must not result in a series of convulsions and proscriptions, and persecutions, as a consequence of the *party struggle,* which achieved his triumph, more to be deprecated than any which preceded them, it would appear manifest, that the tranquility of the country makes a decisive call upon HIM, under whose administration the country has flourished and is now prospering, to serve as long as his great compeer, "the father of his country." No longer the governor of the state, and freed from my obligations to all, it is deemed due to myself and to my country, that this expression of my opinion be made as a citizen; though, convinced it is disapproved by a majority of those addressed. If the *postponment* of Mr. Clay's claims to the presidency, four years longer, and the re-election of General Jackson, disorganize the elements of party strife, confuse and disappoint a re-animated federal junto thirsting for power, and secure to us peace at home—unite society again in the bonds of common respect, and bring our elections back to the test of merit, and save the Union, as is hoped; the good done by the latter, must far exceed the sacrifice of the former, always prepared to give up personal desires to assuage the public grievances, as good patriots. His election, without opposition, would be most consonant to the dictates of prudence, by the permission of his competitors, and the acquiescence of their friends, finding such a result inevitable. Though we may take exceptions to some acts of an administration, yet their number nor their magnitude are not to be contrasted with the value of the Union. Neither should an abberration or two, bring down upon its head a sweeping exclusion from authority, when surrounded by a rich cluster of virtues. The present national chief, following the footsteps of his republican predecessors—having fulfilled the expectations he created before his election, and having given indubitable proofs of his qualification—there can be no good *disinterested* reason offered, why he should not serve as long as Washington, Jefferson, Madison and Monroe; and as long as Adams *deserved* to serve, at a nation's call. Each new administration is beset by a hungry swarm. The monitions of the fable, enter a *caveat* to the people. This is no time for experiments, for personal aggrandizment, or the gratification of party pride and ambition—no time for theoretical speculation.

An attentive observer of the acts of this administration, my mind has embraced the conclusion, that the American people have little to fear, and much to hope for, from it. All of the departments are under the direction of accomplished, able men. Its measures differ but little from those of the administrations which preceded it, and the abilities of Chief and *subordinates* cannot suffer in comparison with any of their predecessors. My individual vote, will, therefore, be given to the incumbent, if he is a candidate for a re-election, unless he yet does something to render him undeserving.

Suffer me to add in conclusion, the expression of my most sincere hope, that you may cultivate a spirit of friendly feeling and intercourse towards each other, with eyes closed upon the politics of the day; and that all of the departments of the State government may harmoniously "dwell together in unity," and co-operate with each other, remembering the distinctive character of the official action of each, for the good of the whole. In this temper of mind and inspired with these views: in the love of my adopted State, of her people, and with a heart glowing with pride and joy at the contemplation of her exalted destiny—I cordially tender you the pledge of a lasting farewell.[2]

JAMES B. RAY

December 6, 1830 [1831].

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[2] The Terre Haute *Western Register* carried the following comment on the message (issue of December 17): "A feeling of silent indulgence which we would have willingly extended to the governor, on his retiring from office, we are compelled to withhold on reading this *extraordinary* document. . . . Most governors have, in a plain, business-like manner, laid before their legislatures such matters as in their opinion deserved their active attention. But how far has his ex-excellency conformed to this sensible rule. Our legislature must, in the first place, proceed to investigate the persecutions and misrepresentations of oppositionists, private enemies, 'bad men,' printers' devils, &c, &c. as a matter of the first and greatest importance. They must examine some of his declarations, such, for example, as this:—Speaking of a public Station, he says, 'one in the pursuit of happiness, and guided by patriotism will never court or decline it.' Again—'It is of record, that, during my whole term I have not hesitated to take an open and decisive part, on one side or the other, of all the questions of national or state policy, which have been from time to time agitated.' It is astonishing that the governor should, in this public manner, put forth the first declaration, after having travelled through the state, and, in the tone of the first part of this message, begged popularity and proclaimed his favorite theme 'persecution' from the top of various and divers stumps, boxes, horseblocks, &c. as he did previous to his last election. . . . In relation to the other assertion, it is notorious that on various subjects of much importance he has withheld his opinion. Let him who can point out where he has given his decided preference to either the Wabash canal, or a railroad in its stead, or at what point he has recommended the termination of the Michigan road. Famous for splitting hairs, he has evaded every thing, like a direct avowal on either side, but kept a strange squinting at both.

"Having disposed of this subject, he touches cursorily some of the important interests of the state, treating them as matters of secondary importance—and closes with an avowal of his determination to vote for General Jackson!!! P-r-o-d-i-g-i-o-u-s!!"

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